Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Twenty-third Legislative Assemby
In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 2nd, 1933, and
Ending March 2nd, 1933

Including Constitutional Amendments Voted Upon by the People
at the General Election held November 8th, 1932

PUBLISHED BY AUTHORITY

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CERTIFICATE OF AUTHENTICATION

State of Montana
Department of
Secretary of State
} ss.

I, Sam W. Mitchell, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed at the Twenty-third Regular Session of the Legislative Assembly of the State of Montana, held at Helena, the seat of Government of said State, commencing January 2nd, 1933, and concluding March 2nd, 1933, and, in addition, true and correct copies of Constitutional Amendments adopted by the people of Montana at the General Election, held November 8th, 1932.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this 1st day of May, A. D. 1933.

Great Seal
of the State
of Montana

Sam W. Mitchell

Secretary of State.

OFFICERS AND MEMBERS

OF THE

23d Legislative Assembly of the State of Montana

Governor, J. E. ERICKSON

Lieutenant Governor and President of the Senate, F. H. COONEY
Speaker of the House, DENNIS A. DELLWO

STATE SENATORS

NAME	Residence	County	Politics
*Angvick, Lars	Reserve	Sheridan	Republican
Armstrong, Bert B.	Livingston	Park	Democrat
*Burr, Geo. A.	Winnett	Petroleum	Democrat
*Campbell, John L.	Missoula	Missoula	Republican
Carey, Emmett	Glendive	Dawson	Republican
Carroll, L. Ray	Roundup	Musselshell	Republican
Church, W. R.	Helena	Lewis & Clark	Democrat
†Clarke, Walter E.	Forsyth	Rosebud	Republican
Clifford, Frank H.	Havre	Hill	Democrat
Coburn, John W.	Cut Bank	Glacier	Republican
*Cooper, George R.	DeBorgia	Mineral	Republican
*Corwin, John W.	Park City	Stillwater	Republican
Danielsen, T. P.	Poplar	Roosevelt	Democrat
Delaney, F. W.	Terry	Prairie	Democrat
*Donovan, L. P.	Shelby	Toole	Democrat
*Duncan, M. M.	Virginia City	Madison	Democrat
*Eaton, Ernest T.	Polytechnic	Yellowstone	Republican
Ekegren, E. P.	Harlem	Blaine	Republican
*Galt, Errol F.	Geyser	Judith Basin	Republican
*Garber, John D.	Plains	Sanders	Democrat
Harris, Orville	White Sul. Sprgs.	Meagher	Republican
Hennessy, W. B.	Conrad	Pondera	Democrat
*Himsl, V. S.	Plevna	Fallon	Republican
Holt, Elmer	Miles City	Custer	Democrat
Holton, Albert	Cohagen	Garfield	Republican
*Husband, W. C.	Harlowton	Wheatland	Republican
*Jergensen, James A.	Whitehall	Jefferson	Republican
Kalberg, F. S.	Circle	McCone	Republican
*Kane, Tom	Corvallis	Ravalli	Republican
*Kaulbach, J.	Fort Benton	Chouteau	Republican
Keeley, W. E.	Deer Lodge	Powell	Republican
Kelsey, Frank F.	Moorhead	Powder River	Republican
*Kemmis, W. D.	Sidney	Richland	Republican
Kilduff, J. F.	Malta	Phillips	Democrat
Lamp, F. M.	Big Timber	Sweet Grass	Republican
*Larson, T. O.	Choteau	Teton	Republican
MacGilvra, E. E.	Polson	Lake	Republican
Melton, George M.	Dillon	Beaverhead	Democrat
Murphy, Thos. F.	Anaconda	Deer Lodge	Democrat
*Page, John R.	Philipsburg	Granite	Democrat
Parkin, E. J.	Bozeman	Gallatin	Republican
*Pauline, Robert	Kalispell	Flathead	Republican
Plank, Leonard	Chester	Liberty	Democrat
Plumer, A. J.	Hysham	Treasure	Democrat
*Putnam, J. A.	Hardin	Big Horn	Democrat
*Reed, Grant	Townsend	Broadwater	Republican
*Rowland, M. D.	Libby	Lincoln	Republican
*Ruffcorn, William	Glasgow	Valley	Republican
Simmons, H. A.	Red Lodge	Carbon	Republican
Sparling, J. T.	Flaxville	Daniels	Democrat
*Staggs, W. L.	Wibaux	Wibaux	Republican
Thien, Henry	Ryegate	Golden Valley	Independent
*Walker, Thomas J.	Butte	Silver Bow	Democrat
‡Wass, L. M. A.	Roy	Fergus	Democrat
*Wheeler, Leon L.	Ekalaka	Carter	Republican
*Willis, S. A.	Great Falls	Cascade	Democrat

*Holdover. Elected in 1930.
†Elected to fill unexpired term of E. E. Fenton, resigned.
‡Elected to fill unexpired term of Sam W. Teagarden, deceased.

FRANK CONE, Secretary.

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House of Representatives

NAME	Residence	County	Politics
Abrahamson, John C.	Roberts	Carbon	Democrat
Acher, John W.	Zurich	Blaine	Democrat
Anderson, Eric	Regina	Phillips	Republican
Annin, J. T.	Columbus	Stillwater	Republican
Arnold, John	Birney	Rosebud	Democrat
Balgord, O. P.	Lavina	Golden Valley	Republican
Ballard, Jack	Carlyle	Wibaux	Democrat
Beadle, M. Kerr	Butte	Silver Bow	Democrat
Besancon, Albert	Missoula	Missoula	Democrat
Bjorneby, E. G.	Kalispell	Flathead	Democrat
Blankenbaker, V. F.	Virgelle	Chouteau	Democrat
Breitenstein, A. J.	Havre	Hill	Democrat
Byrne, E. J.	Galata	Toole	Democrat
Campbell, Ray C.	Great Falls	Cascade	Democrat
Chapman, D. W.	Peerless	Daniels	Democrat
Conner, J. B.	Farmington	Teton	Democrat
Cusker, Dolly	Poplar	Roosevelt	Democrat
Daugherty, Dennis E.	Baker	Fallon	Democrat
Dellwo, D. A.	Charlo	Lake	Democrat
Doe, Everett	Philipsburg	Granite	Democrat
Doran, Tod	Butte	Silver Bow	Democrat
Duffy, James L.	Havre	Hill	Democrat
Ecton, Zales	Manhattan	Gallatin	Republican
Ferry, John F.	Butte	Silver Bow	Democrat
Findlater, R. P.	Miles City	Custer	Republican
Fitzstephens, Joseph	Belgrade	Gallatin	Democrat
Fowler, C. W.	Billings	Yellowstone	Republican
Freed, Eldon	Winnet	Petroleum	Democrat
Freudenstein, Lou	Butte	Silver Bow	Democrat
Givens, Frank G.	Great Falls	Cascade	Democrat
Goodwin, Phil C.	Butte	Silver Bow	Democrat
Grabow, Edward E.	Livingston	Park	Democrat
Green, Henry R.	Lindsay	Dawson	Republican
Groene, Merle C.	Lewistown	Fergus	Democrat
Hagerty, Dave J.	Miles City	Custer	Democrat
Haight, Herbert	Suffolk	Fergus	Democrat
Harlen, Harry C.	Chinook	Blaine	Democrat
Harrington, Jerry J.	Butte	Silver Bow	Democrat
Hilger, Peter	Helena	Lewis & Clark	Democrat
Holecek, J. F.	Lewistown	Fergus	Democrat
Jensen, Walter H.	Great Falls	Cascade	Democrat
Knowles, S. H.	Boulder	Jefferson	Republican
Kruse, Albert H.	Brusett	Garfield	Republican
Kuhl, Herman E.	Luther	Carbon	Democrat
Larsen, Leonard E.	Anaconda	Deer Lodge	Democrat
Lewis, David J.	Sioux Pass	Richland	Republican
Logan, E. U.	Billings	Yellowstone	Republican
Lott, Mortimer J.	Twin Bridges	Madison	Republican
Love, J. B.	Glendive	Dawson	Democrat
McCarvel, Thos. F.	Anaconda	Deer Lodge	Democrat
McDermott, Peter	Butte	Silver Bow	Democrat
McElwain, L. C.	Deer Lodge	Powell	Republican
Manning, D. M.	Hysham	Treasure	Democrat
Marshall, M. R.	Missoula	Missoula	Republican
Mason, George P.	Helena	Lewis & Clark	Democrat
Metlen, Joe	Armstead	Beaverhead	Democrat
Miles, Ben B.	McLeod	Sweet Grass	Republican
Miller, Robt. J.	Lodge Grass	Big Horn	Democrat
Miller, Timothy	Libby	Lincoln	Democrat
Moss, G. M.	Whitefish	Flathead	Republican
Mulholland, M. J.	Butte	Silver Bow	Democrat
Nass, J. N.	Glasgow	Valley	Democrat
Nelstead, T. E.	Ekalaka	Carter	Republican
Nutting, L. A.	Laurel	Yellowstone	Democrat
O'Connell, Jerry J.	Butte	Silver Bow	Democrat
O'Shea, Jas.	Roberts	Carbon	Democrat
Parker, Neil C.	Creston	Flathead	Republican
Parker, W. K.	Radersburg	Broadwater	Democrat
Pierson, Geo. W.	Billings	Yellowstone	Democrat
Pilgeram, Wm. P.	Armington	Cascade	Democrat
Porter, A. T.	Stevensville	Ravalli	Democrat
Quamme, T. N.	Brady	Pondera	Republican
Ragen, D. J.	East Helena	Lewis & Clark	Democrat
Ralston, Harry M.	Glacier Park	Glacier	Democrat
Rearden, John D.	Great Falls	Cascade	Democrat

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HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
Reardon, Ray	Anaconda	Deer Lodge	Democrat
Replogle, Bert	Lewistown	Fergus	Democrat
Rognlien, I. D.	Kalispell	Flathead	Democrat
Roll, Fritz	Great Falls	Cascade	Republican
Rolph, H. D.	Joplin	Liberty	Democrat
Sadring, John E.	Roundup	Musselshell	Republican
Schuster, Andrew L.	Avondale	Valley	Democrat
Setzer, G. W.	Malta	Phillips	Republican
Shannon, Ray N.	Thompson Falls	Sanders	Democrat
Snidow, T. A.	Billings	Yellowstone	Democrat
Somerville, Thomas	Wilsall	Park	Democrat
Spangler, R. W.	Superior	Mineral	Democrat
Sparling, Harry	Medicine Lake	Sheridan	Republican
Stephens, Guy C.	Circle	McCone	Democrat
Stevens, I. Thayer	Harlowton	Wheatland	Republican
Stiefel, E. A.	Belgrade	Gallatin	Democrat
Strange, G. B.	Stevensville	Ravalli	Republican
Sullivan, Dan W.	Butte	Silver Bow	Democrat
Trenne, M. P.	Poplar	Roosevelt	Republican
Ueland, Andrew	Outlook	Sheridan	Republican
Waite, W. T.	Broadus	Powder River	Republican
Watson, Arthur H.	White Sul. Sprgs.	Meagher	Republican
Watson, Fred	Missoula	Missoula	Republican
Whaley, James	Fallon	Prairie	Democrat
White, B. C.	Buffalo	Judith Basin	Democrat
Wigal, E. E.	Missoula	Missoula	Democrat
Woodcock, J. W.	Fort Benton	Chouteau	Democrat

JOHN J. JEWELL, Chief Clerk.

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SESSION LAWS

CHAPTER 1

An Act to Amend Section 1 of Chapter 138, Laws of the Twenty-second Legislative Assembly, of 1931, Relating to Fixing the Standard Grades of Apples.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 138, Laws of the Twenty-second Legislative Assembly, of 1931, be, and the same is hereby amended to read as follows:

"Section 1. The Standard grades of apples for the State of Montana shall be: "Extra Fancy or First Grade", "Fancy or Second Grade", "C", "Cooker", "Combination Grades", and "XFFC."

Standard grades of apples.

(A) "Extra Fancy or First Grade", shall consist of apples of one variety which are mature, hand picked, clean, well formed, sound, free from bruises, limbrubs, spray burns, sun burn, russeting, drought spot, hail marks, visible water-core, broken skin, apple scab, stings, and from diseases and insect injury, except that slight blemishes shall be permitted in this grade.

Extra fancy or first grade.

(B) "Fancy or Second Grade" shall consist of apples of one variety which are mature, hand picked, clean, fairly well formed, sound, free from visible water-core, broken skin, and from damage caused by bruises, limbrub, spray burns, sun burn, russeting, drought spot, hail marks, apple scabs, diseases and insect injury.

Fancy or second grade.

(C) "C" Grade shall consist of apples which are mature, free from infection, soft bruises and broken skin and must have ten per centum (10%) of color requirements characteristic of the variety, provided that this grade may include healed over worm stings and scab spots not to exceed one-quarter (¼) inch in the aggregate. The word "Choice" must not be used in connection with this grade.

"C" grade.

(D) "Cooker" Grade shall consist of apples free from infection, or disease, or serious damage, but which do

Cooker grade.

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not meet the requirements of "Extra Fancy or First Grade", "Fancy or Second Grade", or "C" Grade, and shall be marked "Cookers" or "Culls."

Combination grade.

(E) "Combination Grades." When "Extra Fancy or First Grade" and "Fancy or Second Grade" apples are packed together the boxes must be marked "Combination Extra Fancy or First Grade, and Fancy or Second Grade." When "Fancy or Second Grade" and "C" Grades are packed together the boxes must be marked "Combination Fancy or Second Grade and "C." Combination Grades must contain at least twenty-five per centum (25%) of apples which belong to the higher grade in the combination.

"XFFC" grade.

(F) "XFFC" Grade shall consist of "Extra Fancy or First Grade", "Fancy or Second Grade" and "C" Grade apples packed in combination. Boxes so marked must contain at least fifteen per centum (15%) of apples of "Extra Fancy or First Grade" and not more than fifty per centum (50%) of "C" Grade. No apples failing to meet the requirements of "C" Grade shall be permitted in this grade.

Size requirements.

(G) No apples smaller than two (2) inches in diameter shall be permitted in any grade. Small apples which are under size requirements as prescribed may be shipped marked "Small" provided such apples are free from injurious insect pests and diseases.

10% tolerance allowed.

(H) In order to provide for variations incident to commercial grading and handling a tolerance of ten per centum (10%) for a total of all defects from the standard of the grade shall be allowed."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 31, 1933.

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CHAPTER 2

An Act to Amend Section 1617 of Montana Revised Codes of 1921, Relating to the Powers of County Commissioners in Making Levies for Highway Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1617 of the Revised Codes of Montana of 1921 be amended and re-enacted to read as follows:

"Section 1617. **Road Tax Levy—General Road Tax.** For the purpose of raising revenue for the construction, maintenance, and improvement of public highways, the Board of County Commissioners of each county in this state may in their discretion levy and cause to be collected a general tax upon the taxable property in the county of not more than five (5) mills on the dollar, which shall be payable to the County Treasurer with other general taxes. There is also established a general road tax of two dollars ($2.00) per annum on each male person over the age of twenty-one (21) years, and under the age of fifty (50) years, inhabitant within the county, and payable by each person liable therefor at any time within the year. The collection of these taxes shall be under the direction of the Board of County Commissioners; taxes from freeholders to be collected the same as other taxes, and from non-freeholders as Commissioners may direct; provided, that the foregoing provisions of this section shall not apply to incorporated cities and towns which, by ordinance, provide for the levy and collection of a like general tax and a like special tax within such cities and towns for road, street, and alley purposes. All moneys collected under the provisions of this Act shall belong to the general road fund of the county."

General road tax.

Purpose.

Amount of tax.

(a) General tax.

(b) General road tax.

How and by whom collected.

Exemptions.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 1, 1933.

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CHAPTER 3

An Act to Amend Section 9429 of the Revised Codes of Montana, 1921, Relating to Exemption of Earnings—Debts Incurred for Necessaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9429 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Earnings of judgment debtor are exempt when.

"Section 9429. **Exemption of Earnings—Debts Incurred for Necessaries.** The earnings of the judgment debtor for his personal services rendered at any time within forty-five days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family, supported in whole or in part by his labor, are exempt; but where debts are incurred by any such person or his wife or family for the common necessaries of life, then the one-half of such earnings above mentioned are nevertheless subject to execution, garnishment, and attachment, to satisfy debts so incurred. The words "his family", as used herein, are to be construed with the words "head of family", as used in Section 6969 of the Codes of Montana of 1921, as amended by Chapter 86, Session Laws of 1925."

½ of earnings not exempt if debt incurred for necessaries.

"His family" how construed.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 2, 1933.

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CHAPTER 4

An Act to Amend Section 813 of the Revised Codes of Montana 1921 Providing for the Election of Presidential Electors and that the Names of the Candidates for President and Vice-President of the United States be Placed on Ballots.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 813 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

Section 813. **Electors, When Chosen.** At the general election in November, preceding the time fixed by the law of the United States for the choice of President and Vice-President of the United States, there must be elected as many electors of President and Vice-President as this state is entitled to appoint. The names of the presidential electors shall appear on the ballot and in addition thereto, preceding them, shall appear the names of the Presidential and Vice-Presidential candidates in their respective party designated columns. No square shall appear in front of the names of the presidential electors instead of which there shall be one square in front of the names of the Presidential and Vice-Presidential candidates. The ballot shall also have the following direction printed thereon: "To vote for the presidential electors of any party, the voter shall place a cross in the square before the names of the candidates for President and Vice-President of said party." The number of votes received by Presidential and Vice-Presidential candidates shall, within the meaning of this Act, be the number of votes to be credited to each of the electors representing them.

Electors, when chosen.

How many.

Names of presidential candidates as well as electors shall be on the ballot.

Number of squares.

Printed direction.

How counted.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 2, 1933.

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CHAPTER 5

An Act to Amend Section 16 of Chapter 57 of the Session Laws of the Twentieth Legislative Assembly of The State of Montana, Relating to the Bonds of Officers, Agents and Employees of Building and Loan Associations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 16 of Chapter 57 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana be amended and re-enacted to read as follows:

"Section. 16. **Bonds of Officers, Agents and Employees.** It shall be the duty of the board of directors of every building and loan association to require that all officers, agents and employees of building and loan associations whose duty includes the handling of moneys, notes, bonds, credits and cash items, and whose duties include bookkeeping or the making of entries in relation to the business of the building and loan association and its customers, be bonded. The board of directors shall by order duly entered upon the minute books of the board designate all the officers, agents and employees to be so bonded and the amount of bonds to be given by each. Such action as to the personnel and amount and the surety company or sureties to be subject to approval by the State Superintendent of Banks, the bonds to be in such form as shall be provided and approved by the State Superintendent of Banks, the bonds to be approved by the president of the building and loan association and his action reported to the board of directors; all bonds required by this section to be kept in the custody of the building and loan association subject to inspection by examiners from the office of the Superintendent of Banks; provided, as far as possible, they shall not be placed in the custody of the officer, agent or employee for whom the same is given."

Those required to be bonded.

Board of directors shall order who shall be bonded.

Subject to the approval of State Superintendent of Banks.

How bonds should be kept.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 3, 1933.

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CHAPTER 6

An Act to Amend Section 662 Revised Codes of Montana 1921 as Amended by Chapter 34 of the Session Laws of 1929 and Relating to County and City Central Committees and Their Powers and Providing for Two County Central Committeemen, One a Man and One a Woman, for Each County Precinct, and Two Such State Central Committeemen, One a Man and One a Woman, from Each County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 662 of the Revised Codes of Montana, 1921, as amended by Chapter 34, Session Laws of 1929, be, and the same is hereby amended to read as follows:

"Section 662. **County and City Central Committeemen, How Elected.** There shall be elected by each political party, subject to the provisions of this law, at said primary nominating election, two committeemen, one of which shall be a man and one of which shall be a woman, for each election precinct who shall be residents of such precincts. Any elector may be placed in nomination for committeemen of any precinct by a writing so stating, signed by such elector, and filed in the office of the County Clerk within the time required in this Act for the filing of petitions naming individuals as candidates for nomination at the regular biennial primary election. The names of the various candidates for precinct committeemen of each political party shall be printed on the ticket of the same in the same manner as other candidates and the voter shall express his choice among them in like manner as for such other candidates. The committeemen thus elected shall be the representatives of their political party in and for such precinct in all ward or subdivision committees that may be formed. The committeemen elected in each precinct in each county shall constitute the county central committee of each of said respective political parties. Those committeemen who reside within the limits of any incorporated city or town shall constitute ex-officio the city central committee of each of said respective political parties and shall have the same power and jurisdiction as to the business of their several parties in such city matters that the

Two committeemen, one man and one woman, shall be elected.

Qualifications.

How printed and voted on.

Duties.

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county committees have in county matters, save only the power to fill vacancies in said committee, which power is vested in the county central committee. Each committeeman shall hold such position for the term of two years from the date of the first meeting of said committee immediately following their election. In case of a vacancy happening, on account of death, resignation, removal from the precinct, or otherwise, the remaining members of said county committee may select a committeeman to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurred. Said county and city central committees shall have the power to make rules and regulations for the government of their respective political parties in each county and city, not inconsistent with any of the provisions of this law, and to elect two county members of the state central committee, one of which shall be a man and one of which shall be a woman, and the members of the congressional committee, and said committee shall have the same power to fill all vacancies and make rules in their jurisdiction that the county committees have to fill county vacancies and to make rules. Said county and city central committees shall have the power to make nominations to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election where such vacancy is caused by death or removal from the electoral district, or otherwise. Said committees shall meet and organize by electing a chairman and secretary within thirty days after the candidates of their respective political parties shall have been nominated. They may select managing or executive committees and authorize such sub-committees to exercise any and all powers conferred upon the county, city, state and congressional central committees respectively by this law. The chairman of the county central committee shall call said central committee meeting and not less than fifteen days before the date of said central committee meeting shall publish said call in a newspaper published at the county seat and shall mail a copy of the call, enclosing a blank proxy, to each precinct committeeman. No proxy shall be recognized unless held by an elector of the precinct of the committeeman executing the same.''

Term of office.

How to fill vacancy.

Powers. Make rules for parties. Elect State Central Committee and Congressional Committee.

Fill vacancies on ticket.

When they shall meet.

Meetings by whom and how called.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 7, 1933.

CHAPTER 7

An Act to Amend Section 4058 of the Revised Codes of Montana, 1921, Defining the Term "Real Estate Broker."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4058, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

"Section 4058. A "Real Estate Broker", within the meaning of this Act, is a person who for a compensation, or promise thereof, sells or offers for sale, buys, or offers to buy, negotiates, or offers to negotiate, either directly or indirectly, whether as the employee of another or otherwise, the purchase, sale, exchange of real estate, or any interest therein, for others, as a whole or partial vocation. The word "person" as used in this Act, shall be construed to mean and include a corporation. The provisions of this Act shall not apply to any person who purchases property for his own use or account, nor to any person making one single transaction a year, nor to any person who, being the owner of property, sells, exchanges, or otherwise disposes of the same for his own account, nor to any person holding a duly executed power of attorney written in a separate instrument designated as such, from the owner granting power to consummate the sale, exchange or leasing of real estate, nor to the services rendered by an attorney at law for or on behalf of his client, nor to any receiver, trustee in bankruptcy, guardian, administrator, or executor, nor to any person acting under the order of the court, nor to any person selling under a deed of trust."

Definition of Real Estate Broker..

Person shall include a corporation.

Persons exempted from the provisions of this Act.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

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Section 3. This Act to be in full force and effect from and after its passage and approval.

Approved February 7, 1933.

CHAPTER 8

An Act Relating to the Letting of Contracts by Boards of County Commissioners for the Purchase of Automobiles, Trucks, Vehicles, Road, Highway or Other Machinery, Apparatus, Appliances, Equipment, Materials, and Supplies.

Be it enacted by the Legislative Assembly of the State of Montana:

Requirements for County Commissioners in making purchases in excess of $500.00.

Section 1. No contract shall be entered into by a Board of County Commissioners for the purchase of any automobile, truck, or other vehicle, or road, highway, or other machinery, apparatus, appliances or equipment, or materials, or supplies of any kind, for which must be paid a sum in excess of five hundred dollars, without first publishing a notice calling for bids for furnishing the same, which notice must be published at least once a week, for three consecutive weeks before the date fixed therein for receiving bids, in the official newspaper of the county, and every such contract shall be let to the lowest responsible bidder.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1933.

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CHAPTER 9

An Act to Amend Section 38 of Chapter 148 of the Session Laws of the Twenty-second Legislative Assembly of Montana, Relating to the Establishment of District High Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section Thirty-eight (38) of Chapter One Hundred Forty-eight (148) of the Twenty-second Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

Procedure to establish a high school.

"Section 38. **Approval of Superintendent of Public Instruction—How Secured.** When the Board of Trustees of any school district desires to establish a high school, it shall petition the Superintendent of Public Instruction, prior to June first of the current year for the permission to do so, setting forth in writing the facts regarding the enrollment in the elementary grades, the distance to other high schools, the road conditions, the taxable valuation of the district, the building facilities and such other information as the State Superintendent may require. An investigation shall be made thereafter by a designated representative of the Superintendent of Public Instruction and his report on the petition filed with it before the petition is acted upon. The Superintendent of Public Instruction must have passed favorably on any such petition before the high school proposed may be established by the district."

Approval of Superintendent of Public Instruction necessary.

Duties of County Superintendent after approval.

Preparation of budget.

"When the establishment of a high school has been approved in accordance with the provisions of this section, the County Superintendent of Schools shall immediately investigate to find the number of students who will probably attend such newly established high school. This number of students shall be used as a basis for making out the budget for the first year of operation. He shall then assist the Board of Trustees of the school district establishing such high school, in preparing and submitting a budget for the maintenance of such high school. Said budget shall, otherwise than specified above, be prepared, submitted, approved and distributed in the same manner as other high school budgets are prepared, submitted, approved and distributed."

How budget is approved.

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Repealing clause.

Section 2. All Acts and parts of Acts contrary to the provisions of this Act are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 8, 1933.

CHAPTER 10

An Act Authorizing the Issuance of Bonds of the State of Montana to Fund Indebtedness of said State Evidenced by General Fund Warrants, and Providing for the Payment Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Means of issuance and purpose of bonds.

Section 1. That the State Board of Examiners is hereby authorized and empowered to issue and sell the bonds of the State of Montana, payable in lawful money of the United States, in an amount sufficient to pay all warrants issued against the general fund of the State of Montana, and outstanding and unpaid upon the date of the approval of this Act, not exceeding Four Million Five Hundred Thousand Dollars ($4,500,000.00), and the proceeds from such sale shall be deposited in the treasury of the State of Montana, and credited to the general fund, and shall be used exclusively for the payment of said warrants.

Interest rate.

Payable semi-annually.

Section 2. Said bonds shall bear interest at a rate not exceeding four per cent (4%) per annum, payable on the first day of January, 1934, and thereafter semi-annually on the first days of July and January of each year as shall be provided in interest coupons to be attached to said bonds, and said bonds shall become due and payable in the following amounts upon the following dates:

Schedule of dates due and payable and amounts.

January 1, 1936	$176,000.00
January 1, 1937	180,000.00
January 1, 1938	185,000.00
January 1, 1939	190,000.00
January 1, 1940	205,000.00
January 1, 1941	210,000.00

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January 1, 1942..... 220,000.00
January 1, 1943..... 230,000.00
January 1, 1944..... 240,000.00
January 1, 1945..... 250,000.00
January 1, 1946..... 260,000.00
January 1, 1947..... 270,000.00
January 1, 1948..... 280,000.00
January 1, 1949..... 290,000.00
January 1, 1950..... 300,000.00
January 1, 1951..... 315,000.00
January 1, 1952..... 325,000.00
January 1, 1953.....balance unpaid,

the last payment, however, to be made on, and shall be in such amount as may remain unpaid; provided, however, that all bonds payable after January 1, 1944, shall be redeemable at the option of the State Board of Examiners on January 1, 1944, or at any interest paying date thereafter. Said bonds shall be in such denominations and form, shall contain such recitals, and shall be made payable at such place or places as the State Board of Examiners may determine, and shall be signed by the Governor, the Attorney General and the Secretary of State, the members of said Board. The interest coupons may bear the facsimile signatures of the members of said Board.

Option to redeem by State Board of Examiners on bonds payable after Jan. 1, 1944.

Denomination and form of bonds.

Section 3. That there shall be and there is hereby levied annually upon all property in the State of Montana subject to taxation, an ad valorem tax on each dollar of the assessed valuation of such property, sufficient in amount to pay the principal and interest on said bonds as the same become due and payable, which tax when collected shall be placed by the State Treasurer in a fund to be known as the "Funding Bond Sinking and Interest Fund", and used for the payment of the principal and interest of such bonds and for no other purpose, which tax shall be computed against the different classes of taxable property on the percentage value thereof for taxation purposes as such percentage may be provided by law; provided, however, that the amount of all license taxes due during each fiscal year which are required by law to be deposited to the credit of the general fund of the state, other than the gasoline refiners', distributors' or dealers' license taxes, shall beginning with the first day of July of each fiscal year, be set aside and kept

Ad valorem tax on all property to pay interest and principal.

How collected and set aside.

Name of fund.

How tax is to be computed.

License taxes to be set aside to pay interest and principal.

Certain exemptions.

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by the State Treasurer in a special and separate fund and applied in payment of the principal and interest of such bonds as such principal and interest become due and payable during the next following fiscal year or within thirty days after the end thereof; and provided further, that if during any such fiscal year, and before the end thereof, there shall accumulate in such special and separate fund from such license moneys an amount sufficient to pay all such interest and principal becoming due and payable during the next following fiscal year and within thirty days thereafter, then during the remainder of such fiscal year all such license moneys thereafter received and collected by the State Treasurer during said fiscal year shall be deposited to the credit of the general fund of the state. The State Board of Equalization shall, between the first and second Monday in August, 1933, calculate and determine the rate of tax levy required to produce the amount necessary to pay the interest becoming due on such bonds during the then current fiscal year, and within thirty days thereafter; and said State Board of Equalization shall thereafter and between the first and second Monday in August in each year, ascertain and determine the amount required to pay the said principal and interest thereafter becoming due and payable during the then current fiscal year, and within thirty days thereafter, and the amount of such license moneys standing to the credit of such special and separate fund at the close of business on the first day of July immediately preceding, and applicable to the payment of such principal and interest of such bonds, and after deducting such amount from the amount required to be paid as such principal and interest during the then current fiscal year and within thirty days thereafter, shall calculate, determine and fix a rate of tax levy sufficient to produce the balance of the amount, if any, required to pay such principal and interest becoming due and payable during such fiscal year and within thirty days thereafter. The State Board of Equalization shall annually and before the second Monday in August certify such tax levy as calculated and determined by such Board to the County Clerks of the several counties of the state and such County Clerks shall compute such taxes and enter the same on the assessment books, and such taxes shall be collected and transmitted by the

Balance after payment of interest and principal shall be deposited in general fund of state.

Who shall compute rate of tax levy.

Date of computing amount required to meet payments.

How computed.

Money from license tax to be used first.

Tax levy sufficient to produce balance, if any.

Duty of State Board of Equalization after tax is ascertained.

Collected as other taxes.

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County Treasurer in the same manner as other taxes for state purposes are collected and transmitted.

How to be sold.

Section 4. That the said bonds shall be sold by the said State Board of Examiners in such manner and in such amounts as said Board shall deem for the best interests of the state in carrying out the purpose for which the issuance of said bonds is authorized, provided that said bonds shall not be sold for less than par and accrued interest to date of sale, and all moneys received from the sale of said bonds shall be paid into the state treasury to the credit of the general fund, and applied to the payment of said warrants in the order of their registration; provided, however, that said bonds, or any part thereof, may be exchanged at par plus accrued interest for said warrants, or any part thereof, at par with accrued interest.

Must not sell for less than par and accrued interest.

Money from sale of bonds shall be paid to state treasury.

How applied.

How and where bonds must be registered.

Section 5. Each of said bonds shall be registered before delivery with the State Treasurer of the State of Montana who shall keep accurate accounts of payments of interest and principal upon said bonds.

Appropriation for sale and issuance.

Section 6. There is hereby appropriated from the general fund of the State of Montana, not otherwise appropriated, a sum not exceeding Twenty-five Hundred Dollars ($2500.00) for the purpose of paying the expense incident to the issuance and sale of said bonds.

Not affected by Budget Act.

Section 7. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 8. This Act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1933.

CHAPTER 11

An Act to Amend Section 12 of Chapter 57 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana as Amended by, and Also to Amend Chapter 163 of the Session Laws of the Twenty-first Legislative Assembly and to Amend Section 45 of Chapter 57 of the Session Laws of the Twentieth

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Legislative Assembly All of Said State and to Repeal Chapter 168 of the Laws of 1931, All Relating to the Powers, Duties and Reports of Building and Loan Associations and to Permit Such Associations to Subscribe to the Stock of, Borrow Money from, Pledge Their Securities to, Conform to the Laws Creating and Become Members of the Federal Home Loan Banks of the United States.

Be it enacted by the Legislative Assembly of the State of Montana:

Session Laws amended and re-enacted.

Section 1. That Section 12 of Chapter 57 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana as amended by, and also to amend Chapter 163 of the Session Laws of the Twenty-first Legislative Assembly be all amended and re-enacted to read as follows:

Power and duties.

"Section 12. **Powers and Duties of Building and Loan Associations.** Every building and loan association is a creature of the law having certain powers and duties of a natural person and as such has power:

(1) Of continual succession, by its corporate name;

(2) To sue and be sued, in any court;

(3) To make and use a common seal and alter same at pleasure;

(4) To appoint such officers or agents as the business of the corporation may require, and to allow them suitable compensation;

(5) To enter into any obligations or contracts essential to the transaction of its ordinary affairs, or for the purposes of the corporation.

(6) Such associations shall have power to issue stock to members on such terms and conditions as the constitution and by-laws may provide, but no association shall issue preferred stock.

Assess and collect dues.

(7) To assess and collect from members dues on stock and interest on loans at the times and in the amount as provided for in the constitution and by-laws. The combined total of the amounts paid to an association for interest, commission, bonus, discount and other similar charges, less a proper deduction for all dividends, re-

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funds, and cash credits of all kinds, shall not create an actual net cost to the borrower in excess of the maximum lawful contract rate of interest in this state. Interest not exceeding the maximum lawful contract rate may also be charged on unpaid interest payments from the time such interest payments are due. Interest, not exceeding the lawful contract rate, may also be charged and collected on delinquent stock payments when such unpaid payments are credited with dividends. Said interest shall in no event be at a rate exceeding the rate per centum of the dividend declared on the same unpaid stock payments. No association shall charge or collect from any stockholder, member or borrower, any fines, premiums or penalties of any kind whatsoever. Any officer, agent or employee of any association collecting or attempting to collect any penalty, fine or premium of any kind whatsoever or any interest at a rate higher than provided in the note or other evidence of debt and in this Act, shall be guilty of a misdemeanor.

Charges shall not exceed legal rate of interest.

When interest may be charged.

Fines, premiums and penalties charged or collected constitute a misdemeanor.

(8) To permit members to withdraw all or part of their stock credits at such times and upon such terms, as the constitution and by-laws may provide; provided that no charge or fee, except as herein provided, shall be made against any member who withdraws his stock, after having given thirty (30) days' notice of such withdrawal; provided, also, that no fine of any description shall be made upon the par value of such stock or upon the declared dividends because of such withdrawal. Any member who withdraws his stock or whose stock is matured, shall be entitled to receive all dues paid in and all dividends declared less interest, if any, as provided in subsection 7, less a reasonable membership fee not exceeding two (2) per centum of the par value of each share of stock and less a pro rata share of all losses, if any, which have occurred, and no other fine or assessments shall be made against such stock. Applications for withdrawal are to be registered on the books of the association in the order received and one half of all cash collections, not required to meet outstanding contracts, must be used for the payment of the matured stock and of the withdrawals in the order registered; provided, however, that the other half of such collections each month may be used for the payment of withdrawals other than in the order registered, but no mem-

Permits member's withdrawal.

30 days' notice.

No penalty.

Membership fee.

How withdrawals are made.

Paid in order registered.

Payments permissible when not registered.

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ber shall receive more than one hundred dollars ($100.00) in any one month other than by payment of an application for withdrawal in the order registered. The term "outstanding contracts" includes the costs and expenses of operation, completion of loans, payment of taxes and assessments and necessary remodeling and repairs on properties owned by or mortgaged to the association, repayment of all borrowed money and all fixed charges.

Definition of "outstanding contracts."

Cancel shares of stock.

(9) To cancel shares of stock upon which all credits have been withdrawn, or upon which loans have been cancelled or stock upon which no payments have been made for a period of six (6) months, by returning to the stockholders all credits, if any, and re-issue such shares as new stock.

Issue stock to minors.

(10) To issue stock to minors and permit the same to be withdrawn as other stock, and the receipt of such minor shall be a valid acquittance if his rights have been fully secured to him.

Hold and convey property.

(11) To acquire, hold, encumber and convey such real estate and personal property as may be necessary for the transaction of its business, or necessary to enforce or protect its securities. Provided, not over ten (10) per cent of the assets of any association shall be invested in home office buildings, furniture and fixtures. Also ownership of other real property acquired in any manner or for any purpose shall not be held for more than five (5) years, except by permission of the Superintendent of Banks.

Restrictions.

Borrow money.

(12) To borrow money, only when necessary not exceeding twenty (20) per centum of its assets, and issue its promissory note therefor; provided, that the assets and securities of an association shall not be pledged or hypothecated to secure its borrowed money or for any other purpose, without the consent of the Superintendent of Banks. However, if the Superintendent of Banks determines that it is advisable to pledge assets in order that funds may be secured he may authorize such pledging or hypothecation; but in no event shall the margin of security pledged exceed twenty-five (25) per centum of the funds so borrowed; also to borrow money from the Federal Home Loan Bank upon such terms as may now or hereafter be required by the Federal Home Loan

Restrictions.

May borrow from Federal Home Loan Bank.

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Bank, and to execute the promissory note of the corporation therefor, and to pledge or hypothecate any of the assets of the corporation to secure the repayment of said loan, with interest, in accordance with the Federal Home Loan Bank Act, and the rules and regulations adopted or to be adopted thereunder.

Loan to members.

(13) To make loans to members on the security of the shares of the association, and also on their notes secured by first mortgages on improved real estate, including suburban homes, but not on farm lands or mining property, for not to exceed sixty-five (65) per centum of the actual value of such real estate, and upon such terms and conditions as may be provided in the constitution and by-laws; provided, however, that in all cases where the promissory note, or other written evidence of the loan made by any building and loan association required the payment of said loan, or total aggregate sum of principal and interest in periodic installments, said promissory note, or other written evidence of debt shall specifically state the actual interest rate charged the borrower upon the unpaid balance of the principal amount at each periodic payment; provided, further, that when the note or other evidence of debt does not require the payment of said loan in periodic installments, the note or other evidence of debt shall specifically state the actual rate of interest to be charged the borrower.

Conditions.

When evidence of debt must state interest rate.

Provisory as to notes and mortgages now in force.

Provided, however, that in all notes and mortgages now in force which do not specify the actual rate of interest charged the borrower upon the unpaid balance of the principal at each periodic payment, all payments made on the said notes must be distributed by crediting the same, first, upon the interest on the unpaid balance of the loan at the rate actually earned under the terms of the notes and mortgages, and the remainder upon the principal of the loan, and no charges or deductions from any of said periodic payments shall be permitted by any such association not specifically provided for in said promissory note or other evidence of such loan;

Cancel loans and release security.

(14) To cancel such loans and release the securities on such terms as the Board of Directors may provide. But any borrower may have his loan cancelled upon the following terms, to-wit:

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How borrower may have loan cancelled.

By paying all the interest up to date of cancellation and the sum actually borrowed, less payments on principal, dues paid in and the dividends credited;

Invest money as specified.

(15) To invest the money of the association in:

(a) The bonds and securities of the United States, and the stocks, bonds, debentures and other securities and obligations of any Federal Home Loan Bank created under the laws of the United States;

(b) The bonds and warrants of any state and of any county, city or school district of the State of Montana; and

(c) Not to exceed ten (10) per cent of the association assets in such other bonds and securities as may be approved by the Superintendent of Banks.

(16) To loan money to other building and loan associations;

(17) To make such semi-annual distribution of all the earnings after payment of expenses and setting aside a sum for the contingent funds as herein provided;

Amend its organization.

(18) To amend its articles of incorporation by changing the name, place of business, the number of directors; to increase or decrease the capital stock and provide for its own continual succession by a majority vote of its directors; provided that no such amendments shall be effected until first approved by the Superintendent of Banks;

(19) To dissolve the corporation in accordance with the provisions of Chapter 57 of the Laws of 1927;

(20) To provide by constitution and by-laws, adopted or amended, by its Board of Directors for the proper exercise of the powers herein granted and the conduct and management of its affairs;

(21) All such other powers as are necessary and proper to enable such corporation to carry out the purpose of its organization.

May consolidate by consent of Superintendent of Banks.

(22) Any two (2) or more building and loan associations, by and with the consent and approval of the Superintendent of Banks, may consolidate and unite and

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become incorporated in one (1) body, with or without any dissolution or division of the funds or property of any such association, or any such association may transfer its engagements, funds and property to any like association upon such terms as may be agreed upon by a majority vote of the respective Boards of Directors, and ratified by a two-thirds (2/3) vote of the shares present and voting in person or by proxy at a special meeting or meetings of the stockholders of the respective associations convened for that purpose, upon notice given as provided by law, said notice to state the object of the meeting. No such transfer shall prejudice any right of any creditor of such association."

Majority vote of directors and ⅔ of shares present and voting.

Section 2. That Section 45 of Chapter 57 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana be amended and re-enacted to read as follows:

"Section 45. **Reports Confidential.** Whoever, being the Superintendent of Banks, assistant or clerk in his employ or an examiner, fails to keep secret the facts and information obtained in the course of an examination, or by reason of his official position, except when the public duty of such officer requires him to report upon or take official action regarding the affairs of the association so examined, or wilfully makes a false official report as to the conditions of such association, shall be removed from office and shall be fined not more than five hundred dollars ($500.00), or imprisoned in the penitentiary not less than two (2) years nor more than five (5) years, or both. Nothing in this section shall prevent the proper exchange of information relating to building and loan associations and the business thereof, with the representatives of building and loan departments of other states, but in no case shall the private business or affairs of any individual, association or company be disclosed; provided, that the Superintendent of Banks on request of any Federal Home Loan Bank, shall furnish such bank any information he may have relative to the finances, manner of business, methods of bookkeeping and any and all other information relating to any association which is a member of, seeking to become a member of, a borrower from or seeking to become a borrower from any Federal Home Loan Bank.

Duty of Superintendent of Banks and his employees to keep secret facts and information.

Penalty.

Between states.

When information may be given the Federal Home Loan Bank.

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Encourage membership with Federal Home Loan Bank.

Also any association and/or the officers or agents thereof and the Superintendent of Banks and/or his assistants and examiners shall be authorized to do any and all things necessary to enable any building and loan association within this state to become a member of the Federal Home Loan Bank of this or any adjoining district so far as may be compatible with the constitution of this state and the laws of the United States."

Constitutional proviso.

Section 3. If any word, phrase, clause, paragraph or part of this Act be held unconstitutional, the remainder of this Act, except as dependent thereon, shall not be thereby effected.

Section 4. That Chapter 168 of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana be and the same is hereby in all things repealed.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved February 9, 1933.

CHAPTER 12

An Act to Define Nepotism and to Prevent Such Practice in the State of Montana and Prescribing the Penalties Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Definition of nepotism.

Section 1. Nepotism is the bestowal of political patronage by reason of relationship rather than of merit.

Unlawful to appoint relative.

Section 2. It shall be unlawful for any person or any member of any board, bureau or commission, or employee at the head of any department of this state or any political subdivision thereof to appoint to any position of trust or emolument any person or persons related to him or them or connected with him or them by consanguinity within the fourth degree, or by affinity within the second degree. It shall further be unlawful for any person

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Unlawful to enter into agreement or any promise with other departments to appoint a relative.

or any member of any board, bureau or commission, or employee of any department of this state, or any political subdivision thereof to enter into any agreement or any promise with other persons or any members of any boards, bureaus or commissions, or employees of any department of this state or any of its political subdivisions thereof to appoint to any position of trust or emolument any person or persons related to them or connected with them by consanguinity within the fourth degree, or by affinity within the second degree.

Section 3. Any public officer or employee, or any member of any board, bureau or commission of this state or any political subdivision thereof who shall, by virtue of his office, have the right to make or appoint any person to render services to this state or any subdivision thereof, and who shall make or appoint to such services or enter into any agreement or promise with any other person or employee, or any member of any board, bureau or commission of any other department of this state or any of its subdivisions to appoint to any position any person or persons related to him or them, or connected with him or them by consanguinity within the fourth degree, or by affinity within the second degree, shall thereby be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than Fifty Dollars nor more than One Thousand Dollars, or by imprisonment in the county jail for not less than six months, or by both such fine and imprisonment.

Made a misdemeanor.

Penalty.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 10, 1933.

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CHAPTER 13

An Act Relating to the Election of Mayor and Councilmen Under the Commission Form of Government and Providing When Names of Candidates at Primary Elections Shall Not be Placed Upon the General Municipal Election Ballot and When No General Municipal Election Shall be Held.

Be it enacted by the Legislative Assembly of the State of Montana:

Majority of all votes cast will elect.

Section 1. Whenever, in any city operating under a commission form of government, at a primary election held in accordance with Section 5377 of the Revised Codes of Montana of 1921, a councilman or councilmen or a mayor and councilman or councilmen are to be elected, one person or candidate for any office to be filled shall receive a majority of all votes cast for such office, then such person or persons shall be deemed duly elected to the respective office or offices for which he or they receive such majority vote. If at such primary election more than two (2) persons are candidates for the same office and no one person receives a majority of all votes cast for such office then the names of the two persons receiving the highest number of votes shall be placed upon the general municipal election ballot under the provisions of Section 5377 of the Revised Codes of Montana of 1921. If, in any year, all officers to be elected are thus elected by a majority vote at such primary election, then, in that event, no general municipal election shall be held in said city for said year.

When more than two are candidates for same office.

When no general municipal election shall be held.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 10, 1933.

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CHAPTER 14

An Act Permitting Herman A. Kruger of Hill County, Montana, to File a Claim for Compensation for Alleged Industrial Accident After Expiration of Six Months from the Date of the Happening of Alleged Accident.

Be it enacted by the Legislative Assembly of the State of Montana:

Industrial accident claim.

Section 1. The Industrial Accident Board is hereby authorized and empowered to allow the filing of a claim against the industrial accident fund by Herman A. Kruger, by reason of an alleged industrial accident suffered in the course of his employment by the County of Hill, Montana. The Board shall investigate and determine the validity of said claim and shall consider it to have the same status and effect as if it had been presented within six (6) months from the date of the happening of the alleged accident.

Section 2. This is hereby deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 10, 1933.

CHAPTER 15

An Act to Amend Section 816 of the Revised Codes of Montana of 1921, Relating to the Time and Place of Meeting of the Presidential Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 816 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

When and where electors meet.

"Section 816. The electors must assemble at the seat of government the first Wednesday in January next following their election, at two o'clock in the afternoon."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 10, 1933.

CHAPTER 16

An Act to Amend Section 4884 of the Revised Codes of Montana, 1921, Relating to Mileage of All Officers; and to Amend Section 958 of the Revised Codes of Montana, 1921, Relating to Mileage of School Trustees; and to Amend Chapter 80 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana Relating to the Charge to be Allowed to Any State or County Officer for the Use of Automobile When Necessarily Used in the Performance of His Official Duty; and to Amend Section 8 of Chapter 148 of the Session Laws of the Twenty-second Legislative Assembly Relating to Compensation of Members of Boards of Trustees of County High Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 4884 of the Revised Codes of Montana, 1921, relating to mileage of officers be, and the same is hereby amended to read as follows:

Seven cents per mile.

"Section 4884. **Mileage of All Officers.** Members of the Legislative Assembly, state officers, county officers, township officers, jurors, witnesses, and all other persons, except sheriffs, who may be entitled to mileage shall be entitled to collect mileage at a rate of not to exceed seven cents (7c) per mile for the distance actually traveled, and no more."

Amending clause.

Section 2. That Section 958 of the Revised Codes of Montana, 1921, relating to mileage of school trustees, be, and the same hereby is amended to read as follows:

Trustees' meetings called by County Superintendent.

"Section 958. **Trustees' Meetings.** The County Superintendent may from time to time in convenient places hold trustees' meetings, at which matters relating to the good of the school shall be discussed. Trustees shall be

Seven cents per mile.

entitled to mileage at a rate not to exceed seven cents (7c) per mile for actual attendance at such trustees'

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meetings where the distance necessarily traveled is in excess of three miles. All such claims of trustees shall be paid from district funds.

Paid from district funds.

Section 3. That Chapter 80 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana, relating to the charge to be allowed to any state or county officer for the use of automobile when necessarily used in the performance of his official duty, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 1. Whenever it shall be necessary for any state or county officer to use his own automobile in the performance of any official duty where traveling expense is allowed by law, such officer shall receive not to exceed seven cents (7c) per mile for each mile necessarily traveled unless otherwise specifically provided by law and the members of any lawful approving board shall be liable upon their official bonds, for any claim which they may allow in excess of such amount. Provided, further, that in no case shall an automobile be used as herein provided if suitable transportation can be had by railroad."

Mileage allowed when using own auto.

Railroad must be used if suitable.

Section 4. That Section 8 of Chapter 148 of the Twenty-second Legislative Assembly of the State of Montana, relating to the compensation of members of Boards of Trustees of county high schools, be, and the same hereby is amended to read as follows:

Amending clause.

"Section 8. **Compensation of Members of Boards of Trustees of County High Schools.** A member of the Board of Trustees of a county high school is entitled to all mileage in attending the meetings of the Board at a rate of not to exceed seven cents (7c) per mile for every mile necessarily traveled from his place of residence to the place where the high school is located, and return, such mileage to be allowed by the Board and paid by its warrant drawn against any moneys in the hands of the County Treasurer, belonging to the county high school and not otherwise appropriated. The members of the Board shall receive no compensation for their services as Trustees."

High School Trustees.

Seven cents per mile.

No compensation.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

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Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved February 10, 1933.

CHAPTER 17

An Act Legalizing and Validating All Elections Heretofore Held in Any City of This State, Authorizing the Creation or Increase of the Indebtedness of Such City Within or Exceeding Three Per Centum of the Total Assessed Valuation of the Taxable Property of Said City, as Ascertained by the Last Assessment for State and County Purposes, for Any of the Purposes Set Forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as Amended, and Section 1, Chapter 160, Session Laws of Montana, 1931, Which Elections Were Held After Notice Published and Posted, as Provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at Which the Proposal to Create or Increase Said Indebtedness Received a Majority of All Votes Tendered and of All Votes Cast at Such Election.

Be it enacted by the Legislative Assembly of the State of Montana:

Legalizing election for purpose of issuing bonds.

Section 1. That any election heretofore held for the purpose of authorizing any city of the State of Montana to create or increase the indebtedness of such city by issuing bonds for any of the purposes set forth in Subdivision 64 of Section 5039, Revised Codes of Montana, 1921, as amended, or Sections 1 and 3, Chapter 160, Session Laws of Montana, 1931, not exceeding the limits therein set forth, and which election was held after notice, stating the time and place of holding the election, the amount and character of the bonds proposed to be issued and the purpose thereof, was published and posted in the manner required by Section 5279, Revised Codes of Montana, 1921, or Section 8, Chapter 160, of the Session Laws of Montana, 1931, and at which election the proposal to increase said indebtedness and to issue such bonds received a majority of all votes tendered and of the votes cast at such election upon such

Approved by majority of votes cast.

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proposition, be and the same hereby is legalized, ratified, confirmed, and declared valid to all intents and purposes; and all such bonds, whether issued or hereafter to be issued, are legalized and declared to be valid and legal obligations of and against the city issuing the same, regardless of any error, defect, omission, irregularity or departure from statute or city ordinance in the holding of and the conducting of such election, or the registration therefor, or in any of the steps or proceedings relating thereto.

Validating clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1933.

CHAPTER 18

An Act Relating to Vehicles Used in Conveying Children to and from School, Providing Rules and Regulations Governing Such Vehicles and the Driving and Operation Thereof, and Prescribing the Duties of Drivers of Other Vehicles with Regard Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The words and phrases used in this Act shall be construed as follows: The term "highway" means every public street, road, highway or way in this state. The term "vehicle" means everything on wheels or runners, except vehicles operated exclusively on rails or tracks. The term "school bus" means every vehicle regularly used for hire or compensation in conveying children to and from school.

Definition of terms used.

Section 2. Every school bus shall be so constructed as to afford the driver thereof a practically unobstructed view of the roadway ahead and also to the right and left, and shall be marked in both front and rear with the words "School Bus" in plain letters readable in daylight at a distance of at least two hundred feet from such vehicle. Every school bus mechanically propelled shall be provided with proper and sufficient brakes

Requirements for "school bus."

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which shall be kept in such condition as to control it at all times, shall have a horn or other suitable device for signaling, and when driven or operated after sunset shall be provided with two headlights sufficient to light the highway for a distance of two hundred feet ahead of such school bus and shall display a red light from behind.

Requirements for driver.

Section 3. No person shall drive or operate, or be employed or permitted to drive or operate any school bus who has not received a certificate from the Board of Trustees of the school district in which the school bus is to be driven or operated certifying that such person is at least sixteen years of age, is of good moral character and is qualified and competent for such position, and no person shall drive or operate or be permitted to drive or operate any school bus until such person shall have given a good and sufficient bond in the sum of one thousand dollars, to the State of Montana, which shall be approved by and filed in the office of the County Superintendent of Schools of the county in which the school bus is to be driven or operated by such person, conditioned for the faithful performance of his duties.

Bond required.

Stop at crossings.

Section 4. It shall be the duty of the driver of a school bus to bring the same to a full stop before crossing the tracks of any railroad or electric car line and not proceed across such tracks until reasonably certain that no train or car is approaching from either direction.

Load and unload at extreme right.

Section 5. The driver of a school bus shall load and discharge the children from such bus at the extreme right side of the traveled highway and at the right hand curbing when such curbing is maintained on such highway.

Duty of other drivers to stop.

Section 6. The driver of a vehicle, when approaching the front or rear of a school bus that has come to a stop on a highway outside the limits of an incorporated city or town, and is receiving or discharging school children, shall stop such vehicle not less than ten feet from such school bus and keep said vehicle stationary until such children have entered such school bus or have alighted and reached the nearest adjacent side of the highway.

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Penalty for violation.

Section 7. Every person who shall fail to comply with or who shall violate any provision of this Act shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine or imprisonment.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect on and after July 1, 1933.

Approved February 14, 1933.

CHAPTER 19

An Act to Amend Section 4524 of Chapter 12 of the Revised Codes of Montana of 1921, Relating to "When a Person May Receive Relief from the County"—and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4524 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

When relief may be had.

"Section 4524. **When a Person May Receive Relief from the County.** When such person does not have the relatives mentioned in Section 4522 of this Code, in any county, or such relatives are not able, or fail or refuse to maintain such person, then he must receive relief from the county, as hereinafter provided."

Must be worked out if able bodied male.

Section 2. Where there is an able bodied male person in the family applying for relief, the relief given in money or otherwise, must, when the Board of County Commissioners so require, be worked out at the prevailing rate of wages for the particular class of labor performed on all unbudgeted governmental work as may be designated by the Board of County Commissioners, as emergency relief work.

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Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act is hereby deemed and declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 14, 1933.

CHAPTER 20

An Act Legalizing and Validating Any Bonds Issued or Hereafter to be Issued by Any County of This State by Authority of Any Election Held in Such County for the Purpose of Creating or Increasing Any County Indebtedness Where Such Election was Held and Votes Canvassed and the Election Declared Carried as Authorized by Law Prior to the Enactment of Chapter 188 of the Session Laws of 1931, and Where No Resolution was Adopted by the Board of County Commissioners of Such County Directing the Issuance of Said Bonds Prior to the 5th Day of October, 1932.

Be it enacted by the Legislative Assembly of the State of Montana:

Legalizing and validating county bonds.

Section 1. That all bonds issued or hereafter to be issued and sold by any county of this state by authority of election held in such county for the purpose of incurring or increasing any county indebtedness where such election was held and votes canvassed and the election declared carried by the Board of Canvassers as authorized by law prior to the enactment of Chapter 188 of the Session Laws of 1931, and where no resolution was adopted by the Board of County Commissioners of such county directing the issuance of said bonds prior to October 5th, 1932, are hereby declared to be legal and binding obligations of such county issuing the same, notwithstanding the failure of the Board of County Commissioners to adopt a resolution directing the issuance of said bonds prior to such date, providing the proposition to create or increase said indebtedness and to issue said bonds received a majority of all votes cast upon the proposition at the election when the proposition was voted upon, and, provided further, that all other requirements of law have been fully complied with.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1933.

CHAPTER 21

An Act Providing for the Transfer of a Guardianship Proceeding from One County to Another County and the Procedure Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The District Court in and for any county having jurisdiction of any guardianship matter shall have power, whenever the interest of the ward and convenience of the guardian shall require, to transfer the same to the District Court in and for any other county. District court may transfer guardianship matter.

Section 2. To obtain an order for such transfer, the guardian shall file in the District Court in and for the county where such proceeding is pending, a verified petition setting forth the following matters: Must file petition.

1. The name of the county to which it is sought to remove such proceeding; What petition shall contain.

2. The name of the county or counties in which the ward resides and that in which the guardian resides;

3. The name of the county or counties in which the property of such ward is situated, and a designation of the character and condition thereof;

4. The reasons for such removal;

5. The names and residences, so far as the same are known to said guardian, of the relatives within the third degree of such ward, residing in said county in which said proceeding is pending.

Section 3. Upon filing such petition, an order shall be made by the Court or Judge fixing a time for hearing said petition, which shall be not less than ten days there- Court shall order hearing.

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after, and directing that a copy of such order be sent through the United States mail to each of the said relatives of such ward, named in said petition as resident in the county in which said proceeding is pending. The Court may require such other or further notice of said hearing as it may deem proper.

Contestants may file grounds of opposition.

Section 4. At the time fixed for the hearing of said petition any relatives of such ward or any person interested in the estate of such ward, may appear and file written grounds of opposition to said petition. If, after hearing the evidence of the petitioner, and contestant, if any, it shall appear to the Court that it is for the best interest and advantage of said ward, or of the estate of said ward, that the transfer of said proceeding be had to the District Court in and for the county designated in said petition, or to the District Court in and for any other county, it shall enter an order directing the transfer thereof to said Court and directing the Clerk to forward all papers on file therein to the Clerk of the Court to which said proceeding has been ordered transferred, and thereafter, the Court to which said proceeding has been transferred shall have jurisdiction of the cause, the guardian, his wards, their estate, and all proceedings therein, as fully as though said proceeding originally began in that Court.

Court shall decide at hearing.

How transferred.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith, are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1933.

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CHAPTER 22

An Act Providing That Executors, Administrators, and Guardians May be Empowered to Mortgage Personal Property.

Be it enacted by the Legislative Assembly of the State of Montana:

When the power to mortgage personal property will be given.

Section 1. Whenever in any estate now being administered or that may hereafter be administered or in any guardianship proceeding now pending or that may hereafter be pending it shall appear to the District Court, or to a Judge thereof, to be for the advantage of the estate to borrow and raise money upon a note or notes, to be secured by chattel mortgage or other lien upon the personal property of any decedent or of a minor or an incompetent person, or any part thereof, for the purpose of paying the debts of such decedent or such minor or incompetent person, the expenses of administration, or the expenses of caring for and preserving the estate of the decedent or ward; or paying, reducing, extending, or renewing some lien or chattel mortgage already existing on said personal property, or any part thereof, or paying the expenses of caring for, preserving and carrying on the business of the decedent or ward during the administration of the estate, the Court or Judge, as often as occasion therefor shall arise in the administration of any estate or in the course of any guardianship, may authorize, empower and direct the executors or administrators or guardian of such minor or incompetent person to mortgage such personal property, or any part thereof, or to give other security by way of pledge or other lien upon such personal property, or any part thereof, and to execute a note or notes, to be secured by such mortgage, pledge or lien;

Same procedure as had with real property.

Provided, that in order to obtain such authorization the same proceedings shall be had and taken as set forth in Chapter 44 of Part IV of the Code of Civil Procedure and which are required therefore to obtain an order to mortgage real property of the estate, and upon such proceedings being had the Court shall have power to authorize the executor or administrator or guardian of such minor or incompetent person to borrow and raise money and to execute a note or notes and mortgages

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or pledge or other lien upon the personal property of the estate of such decedent or minor or incompetent person in the same manner and to the same extent and with the same effect as is provided in Chapter 44 of Part IV of the Code of Civil Procedure with reference to mortgages of real property.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1933.

CHAPTER 23

An Act Making it Unlawful to Use or Attempt to Use Any Anchored Snare Trap for the Purpose of Snaring Any Animal or Bird, and Providing a Penalty for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Snare trap prohibited.

Section 1. It shall be unlawful for any person to use, or attempt to use, any anchored snare trap for the purpose of snaring any animal or bird.

Section 2. Any person who violates the provisions hereof shall be guilty of a misdemeanor and shall be punished accordingly.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 14, 1933.

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CHAPTER 24

An Act to Amend Section 4775 of the Revised Codes of Montana for the Year 1921, Relating to the Appointment of Under-Sheriffs.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4775 of the Revised Codes of the State of Montana for 1921 be amended to read as follows:

"Section 4775. The Sheriff, as soon as may be after he enters upon the duties of his office, must, except in counties of the seventh and eighth classes, appoint some person Under-Sheriff to hold during the pleasure of the Sheriff. Such Under-Sheriff has the same powers and duties as a Deputy Sheriff."

Duty to appoint Under-sheriff.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act will be in full force and effect from and after its passage and approval.

Approved February 14, 1933.

CHAPTER 25

An Act to Provide for the Disposition of Moneys Heretofore or Hereafter Seized or Taken, and Confiscated in Cases of the Violation of the Gambling Laws of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All moneys seized or taken by any peace officer and confiscated by order of any Court, by reason of a violation of the gambling laws of the State of Montana, shall be deposited with the County Treasurer of the county in which such seizure and confiscation was made, and shall be credited to the poor fund of the county.

Confiscated money shall go to Poor Fund.

Section 2. All moneys that have been so seized or taken and confiscated and now are held by any County

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Treasurer or other officer under any Court order, shall likewise be placed or deposited to the credit of the poor fund of such county.

Repealing clause.

Section 3. All Acts or parts of Acts in conflict herewith, are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1933.

CHAPTER 26

An Act to Amend Section 2479 of the Revised Codes of the State of Montana of 1921, Providing for the Reporting of Certain Diseases by Physicians and Other Practitioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2479 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended so as to read as follows:

Doctors must report communicable diseases.

"Section 2479. **Duty of Physicians and Other Practitioners.** Whenever any physician or other practitioner of the healing art examines or treats a person who has or is reasonably believed to have a communicable disease or any disease declared reportable by the State Board of Health, such physician or other practitioner shall immediately report the case to the county or local health officer having jurisdiction of the territory in which the said case is found. The report shall be in the form and manner prescribed by the State Board of Health."

Form of report.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1933.

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CHAPTER 27

An Act to Amend Section 9035 of the Revised Codes of Montana, 1921, Relating to Actions Which Must be Begun Within Six Months and Regulating the Time Within Which an Action for Restoration to Office by Any Person Having Been Wrongfully or Illegally Removed or Excluded from Office, and Regulating the Time Within Which an Action Should be Begun to Recover Salary or Other Emoluments of Such Office, and Repealing Section 9038 and Section 9039, of the Revised Codes of Montana, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9035 of the Revised Codes of Montana, 1921, shall be and the same is hereby amended to read as follows:

"Section 9035. **Within Six Months.** Within six months:

Actions which must be begun within six months.

1. To recover stock sold for a delinquent assessment.

Rejected claims.

2. Actions for claims against a county, which have been rejected by the County Commissioners, must be commenced within six months after the first rejection thereof by such Board.

Restore to office.

3. Any action for the restoration to office by any person wrongfully or illegally removed or excluded from office.

Recover salary.

4. Any suit for the recovery of salary or other emoluments of office by any person having been wrongfully or illegally removed or excluded from office."

Repealing clause.

Section 2. That Section 9038 and Section 9039 of the Revised Codes of Montana, 1921, and all Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1933.

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CHAPTER 28

An Act to Amend Chapter 51 of Part III of the Political Code of the Revised Codes of the State of Montana of 1921, Relating to the Nomination of Candidates by Convention or Primary Meeting or by Electors, by Adding a New Section Thereto, to be Known as Section 618A, Providing for the Payment of a Fee for Filing Certificates of Nomination of Candidates Nominated Under the Provisions of This Chapter.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 51 of Part III of the Political Code of the Revised Codes of the State of Montana, of 1921, be, and the same is hereby amended by the addition of a new section to be known as 618A to read as follows:

All candidates nominated under this chapter shall pay fee.

"Section 618A. All candidates nominated under the provisions of this Chapter, shall, upon filing the certificate of nomination as provided by Sections 614 and 618 of the Revised Codes of Montana, 1921, as amended, pay to the officer with whom the certificates of nomination are required to be filed, the fees provided by Section 640 of the Revised Codes of Montana, 1921, as amended by Chapter 125, Laws of Montana, 1927, and such filing fee shall be paid by every person whose name appears upon the ballot at any general election, regardless of the method pursued to secure nomination, provided, however, that only one filing fee shall be required from any candidate, regardless of the method used in having his name placed upon such general election ballot."

Filing fee must be paid regardless of method pursued to secure nomination.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1933.

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CHAPTER 29

An Act to Amend Section 3210 of the Revised Codes of Montana of 1921, as Amended by Chapter 123, of the Laws of the Nineteenth Legislative Assembly of the State of Montana, and Chapter 129 of the Laws of the Twenty-first Legislative Assembly of the State of Montana, Relating to the Qualifications for Admission to Schools for Nurses.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3210 of the Revised Codes of Montana of 1921, as amended by Chapter 123, of the Laws of the Nineteenth Legislative Assembly of the State of Montana, and Chapter 129 of the Laws of the Twenty-first Legislative Assembly of the State of Montana, be, and the same are hereby amended to read as follows:

"Section 3210. **Qualifications of Applicants—Evidence of—Registration Fee.** Applicants for registration under the provisions of this Act shall furnish satisfactory evidence that he or she is at least twenty-one (21) years of age, of good moral character, and has been graduated from a school of nursing connected with a general hospital approved by the Board, where a systematic course of at least three (3) years' instruction is given, except in the cases hereinafter provided for; provided, that the Board may grant proper credit upon such three (3) year period to any student for previous study or training under such rules and regulations as the Board may prescribe.

Qualifications required for registration.

No school of nursing shall accept students under eighteen (18) years of age, nor students who have not graduated from an accredited high school. A copy of the high school credits certified to by the Principal and filed in the school of nursing shall be prima facie evidence of graduation.

School of nursing requirements and evidence of.

All persons registered under the provisions of this Act shall pay to the Secretary of the Board a registration fee of Fifteen Dollars ($15.00)."

Registration fee.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 22, 1933.

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CHAPTER 30

An Act to Amend Section 5121 of the Revised Codes of Montana of 1921, as Amended by Chapter 58, of the Laws of the Twentieth Legislative Assembly, Relating to Duties of Trustees of the Fire Department Relief Association; and to Amend Section 5130 of the Revised Codes of Montana of 1921, as Amended by Chapter 58 of the Laws of the Twentieth Legislative Assembly, and as Further Amended by Chapter 137, of the Laws of the Twenty-first Legislative Assembly, Relating to Duties of the Secretary and Treasurer of Fire Department Relief Association, the Official Bond of the Treasurer, and the Duties of the State Examiner with Reference to the Examination of the Books and Accounts of Such Association, and Prescribing Qualifications for Membership in Such Association.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5121 of the Revised Codes of Montana of 1921, as amended by Chapter 58 of the Laws of the Twentieth Legislative Assembly, be, and the same is hereby amended to read as follows:

Duties of trustees.

"Section 5121. **Duties of Trustees.** The Board of Trustees of said Fire Department Relief Association shall audit the account of the Association at least every six (6) months and shall report the condition thereof at the next regular meeting of said Association. The general management of the Association shall be vested in the Board of Trustees. When so directed by a majority vote of the members of the Association, the Board of Trustees shall have the power to invest the surplus funds of the Association or any part thereof, in bonds or other securities of the United States Government, in general obligation bonds or warrants of any state, county or city as are recommended by the State Auditor and approved by the State Examiner. At the time of purchase such investments must be stamped in bold-face type, substantially as follows: 'Property of the..... Fire Department Relief Association, and negotiable only upon the order of the Board of Trustees of such Association'."

Audit every six months.

Invest surplus funds.

In what they may invest.

How worked.

Section 2. That Section 5130 of the Revised Codes of Montana of 1921, as amended by Chapter 58 of the Laws

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of the Twentieth Legislative Assembly, and as further amended by Chapter 137 of the Laws of the Twenty-first Legislative Assembly, be, and the same is hereby amended to read as follows:

"Section 5130. **Annual Report of the Secretary and Treasurer, Prescribing Qualifications for Membership, Official Bond of the Treasurer and Examination of Books and Accounts.** The Secretary and Treasurer of every Fire Department Relief Association so formed shall annually prepare a detailed report of its receipts and expenditures for the preceding year, showing to whom and for what purposes the money has been paid and expended, and file it with the Association, and a duplicate with the State Auditor. No money shall be paid to the Treasurer of such Fire Department Relief Association until such report is so filed. No one serving as a substitute or on probation, nor any person who has not been confirmed a member of an organized fire department is eligible for membership in the Relief Association. No Treasurer of any such Association shall enter upon his duties until he has given to the Association a good and sufficient bond of not less than fifty per cent (50%) of the amount of the cash funds and securities of the Association, for the faithful performance of his duties according to law, the amount of such bond to be approved and paid for by such Association. Provided, however, that in no case shall such official bond be in excess of the amount of Twenty-five Thousand Dollars ($25,000.00). Provided further, that upon a majority vote of the members of the Association, the City or Town Treasurer shall be ex-officio Treasurer of the Fire Department Relief Association and the official bond of such City or Town Treasurer shall cover the faithful discharge of his duties as ex-officio Treasurer of the Fire Department Relief Association, and the cash in the Firemen's Relief Fund shall have the same protection as to depository securities furnished by banks, as the other funds of the city or town. All of the financial books and accounts of such Association with reference thereto shall be subject at all times to examination by the State Examiner. The State Examiner is hereby authorized, empowered and required to make such examination at least once each year, for which service the Association shall pay to the State Treasurer on or before the first day

Sec. Treas. shall prepare and file receipts and expenditures.

Who are not eligible for membership.

Bond required by Treasurer.

When City or Town Treasurer may be Treasurer of Association.

Protection allowed.

Records subject to examination by State Examiner.

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of July of each year, in all cases where the fund is in excess of One Thousand Dollars ($1,000), a fee in the amount of Ten Dollars ($10.00), which shall be credited to the state general fund. Upon complaint being duly made to him that the money or any part thereof paid under the provisions of this Act to the Treasurer of such Association has been or is being expended for any unauthorized purpose, and if such money upon examination is found to have been expended contrary to the authority given, he shall so report to the Governor, upon whose directions to the State Auditor, no further warrants shall be issued to such Fire Department Relief Association Treasurer until the money so expended has been returned."

Fee allowed for examination.

Penalty for unauthorized expenditure.

Repealing clause.

Section 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 22, 1933.

CHAPTER 31

An Act Amending Sections 1, 2, and 7, of Chapter 124, Session Laws of the State of Montana of 1927, and Providing for an Additional Section to said Act to be Known as Section 7-A, Relating to the Duties of the State Scale Expert; Providing for the Enforcement of This Act; Fixing Fees to be Collected for Said Inspections and Providing for the Transfer of All Calibrating Equipment from the Office of the Secretary of State to the Scale Division of the Department of Agriculture.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 124, Session Laws of the State of Montana of 1927, be, and the same is hereby amended to read as follows:

State scale expert.

"Section 1. The Commissioner of Agriculture shall employ an expert tester of scales, known as the State Scale Expert, whose duties it shall be, under such rules

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and regulations as the Commissioner may prescribe, to test all scales within the State of Montana at least once each year, with the exception of scales, weights and balances not used for public weighing, unless upon request. The State Scale Expert shall give a bond to the State of Montana in the sum of Two Thousand Dollars ($2,000), and each deputy shall give a bond to the State of Montana in the sum of One Thousand Dollars ($1,000), conditioned upon the faithful performances of their duties. It shall be the duty of the State Scale Expert and his deputies to enforce the provisions of this Act. The Commissioner of Agriculture shall make such rules and regulations as he may deem necessary to carry out the provisions of this Act."

Test scales at least once a year.

Bond required.

Power of Commissioner of Agriculture.

Section 2. That Section 2 of Chapter 124, Session Laws of Montana of 1927, be, and the same is hereby amended to read as follows:

"Section 2. There shall be collected by the State Scale Expert or his deputies from each person, firm, co-partnership or corporation the following inspection fees: For each railroad track scale the sum of Ten Dollars ($10.00); grain shipping hopper scale with a capacity of forty thousand (40,000) pounds or over, Ten Dollars ($10.00); wagon scale, truck scale, coal scale, dump scale, automatic or hopper shipping scale, beet scale, and stock scale, Five Dollars ($5.00); for each dormant platform scale, and dial scales with a capacity from five hundred (500) pounds to one thousand (1,000) pounds Two Dollars ($2.00); each portable scale, meat track scale and commercial person weighing scale One Dollar ($1.00); grain testers and other small scales used for weighing or testing grain in grain elevators or warehouses, Fifty Cents (50c). All counter scales with a capacity of one to ten pounds Twenty-five Cents (25c); all counter scales with a capacity of ten (10) to thirty (30) pounds Seventy-five Cents (75c)."

Fees to be collected for inspection service.

Section 3. That Section 7 of Chapter 124, Session Laws of Montana of 1927, be, and the same is hereby amended to read as follows:

"Section 7. Any State Scale Expert or deputy who shall make a false test of any scale or who shall seal the same without having been properly tested, in ac-

Penalty for false test.

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cordance with the terms of this Act, shall be guilty of a misdemeanor, and punished by a fine of not less than Fifty Dollars ($50.00) nor more than Three Hundred Dollars ($300.00)."

Section 4. That Chapter 124, Session Laws of the State of Montana of 1927, be, and the same is hereby amended by the addition of a new section to be known as Section 7-A to read as follows:

Disposition of calibrating equipment.

"Section 7-A. All equipment in possession of the Secretary of State of Montana, for the purpose of calibrating test weights, shall be transferred to the Department of Agriculture, for use in the scale testing department."

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act is hereby deemed an emergency Act and shall be in full force and effect immediately upon its passage and approval.

Approved February 22, 1933.

CHAPTER 32

An Act Permitting Nicholas Newby of Bearcreek, Montana, to Present a Claim to the Industrial Accident Board for the Cost of Medical and Hospital Services Alleged to Have Been Rendered Him for a Hernia Which Developed More Than Six Months After, and Because of an Industrial Accident Suffered by Him in the Course of His Employment, and Authorizing Said Board to File and Consider and Act Upon the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Nicholas Newby industrial accident claim allowed.

Section 1. Notwithstanding the provisions of Section 2917, Revised Codes of 1921, as amended, Nicholas Newby, Bearcreek, Montana, is hereby permitted to present a claim with the Industrial Accident Board for the cost of medical and hospital services alleged to have been rendered him for a hernia which developed more than six (6) months after and because of an industrial

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accident suffered by him while in the course of his employment within the State of Montana.

Section 2. The Board shall file said claim and shall investigate and determine the validity thereof, and it shall have the same status and effect as if it had been presented within six (6) months from the happening of the accident.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 22, 1933.

CHAPTER 33

An Act Requiring Certain Vehicles Carrying Explosive Substances or Inflammable Liquids or Carrying Passengers for Hire, to be Stopped at All Railway Grade Crossings Before Traversing Such Crossings.

Be it enacted by the Legislative Assembly of the State of Montana:

Vehicles carrying explosive or inflammable liquids or passengers for hire are required to stop at R. R. crossings.

Section 1. The driver of any motor truck carrying explosive substances of inflammable liquids, as a cargo or part of a cargo, or any motor bus carrying passengers for hire, before crossing at grade any track or tracks of a railway, shall stop such vehicle not less than ten feet or more than fifty feet from the nearest rail of such track, and while so stopped shall both look and listen in both directions along such track for approaching railway trains or cars before traversing such crossing. The provisions of this Act shall not be deemed to apply at the crossing of a street or highway and street railway tracks, or to railway tracks where traffic control signals are in operation and give indication to approaching vehicular traffic to proceed.

Crossings not contemplated by Act.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved February 22, 1933.

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CHAPTER 34

An Act to Amend Section 4, of Chapter 160, Session Laws of 1931, Relating to the Term of Bonds of Incorporated Cities and Towns and the Interest Thereon; Providing the Procedure Relative to the Issuance of Said Bonds and the Duty of City and Town Officers in Connection Therewith and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4, of Chapter 160, of the Session Laws of 1931, be, and the same is hereby amended to read as follows:

"Section 4. **Terms of Bonds—Rate of Interest.** No bonds for any purpose shall be issued for a longer term than twenty years, and when bonds are issued for the purpose of funding warrants or refunding bonds heretofore issued, as authorized by Section 1 of this Act, such bonds shall not be issued for a longer term than twenty years. All bonds issued for a longer term than five years may be redeemable at the option of the city or town at any time before maturity when so recited in the bonds. The maximum rate of interest which any bonds may bear shall be six per centum and shall be payable semi-annually."

Term of bond not to exceed 20 years.

Redeemable when.

Rate of interest.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act is hereby deemed an emergency one and shall be in full force and effect immediately upon its passage and approval.

Approved February 25, 1933.

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CHAPTER 35

An Act to Amend Section 3574, of the Revised Codes of Montana of 1921, as Amended by Section 1, Chapter 41, of the Session Laws of the Eighteenth Legislative Assembly of Montana, as Amended by Section 1, Chapter 154, of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana; to Amend Section 3579, of the Revised Codes of Montana of 1921, as Amended by Chapter 154, of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana; to Amend Section 3588, of the Revised Codes of Montana of 1921, as Amended by Chapter 41, of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana, as Amended by Chapter 174, of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana, as Amended by Chapter 154, of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, Relating to a Public Warehouse, the Regulation of Charges of Public Warehousemen, and the Delivery of Grain to the Holder of a Receipt Therefor and Instructions to Warehousemen.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3574, of the Revised Codes of Montana of 1921, as amended by Section 1, Chapter 41, of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana, as amended by Section 1, Chapter 154, of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

"Section 3574. Whenever the word "grain" is mentioned in this Act, it shall be construed to include flax. The term "public warehouse" includes any elevator, mill, warehouse, or structure in which grain is received from the public for storage, milling, shipment or handling. The term "public warehouseman" shall be held to mean and include every person, association, firm and corporation owning, controlling, or operating any public warehouse in which grain is stored or handled in such a manner that the grain of various owners is mixed together, and the identity of the different lots or parcels is not preserved. The term "grain dealer" shall be held

Definition of terms "grain,"

"public warehouse,"

"public warehouseman,"

"grain dealer,"

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to mean and include every person, firm, association and corporation owning, controlling, or operating a warehouse, other than a public warehouse, and engaged in the business of buying grain for shipment or milling.

"track buyer," The term "track buyer" shall mean and include every person, firm, association, and corporation who engages in the business of buying grain for shipment or milling, and who does not own, control, or operate a warehouse or public warehouse.

"agent," "broker," "commission man." The terms "agent", "broker", and "commission man" shall mean and include every person, association, firm and corporation who engages in the business of negotiating sales or contracts for grain or of making sales or purchases for a commission."

Section 2. That Section 3579, of the Revised Codes of Montana of 1921, as amended by Chapter 154, of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Charges to be made by public warehouseman. "Section 3579. Charges must be made by all public warehousemen subject to the provisions of this Act, for the handling or storage of grain, as follows:

What is immediate delivery. (a) Two cents per bushel for receiving, elevating, weighing, and immediate delivery on car of the identical grain without mixing. Immediate delivery—not less than forty-eight hours but where conditions permit, special bin assemblage of grain without loss of identity for carload shipment shall be construed as immediate delivery, provided total period of assemblage and delivery does not exceed seventy-two hours.

Variation in charge based on period of assemblage. Provided in case said period is from seventy-two hours to one hundred and six hours, the entire charge shall be two and one-half cents per bushel, and from one hundred and six to one hundred and thirty hours, the charge shall be three cents per bushel. This rate for immediate delivery applies to all grain so delivered.

(b) Four cents per bushel for all grains except flax, for receiving, grading, weighing, elevating, insuring, fifteen days or part thereof free storage, and delivering to the owner. For flax this charge shall be five cents per bushel.

Charges for cleaning. (c) Two cents per bushel for cleaning grain at request of owner where there are cleaning facilities, in

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which case screenings shall be delivered to owner.

(d) The charges for storage shall be: one-thirtieth of one cent per day per bushel for each day in storage after period of free storage has elapsed. Storage.

(e) Twenty-five per cent reduction from the above charges shall be allowed when the market price of wheat being sold at point of origin at time of sale is less than fifty cents per bushel. Charge when wheat sells for less than 50c per bushel.

Failure on the part of any public warehouseman to comply with the provisions of this Act will render the licenses of such warehouseman subject to revocation and cancellation by the Commissioner of Agriculture." Penalty for violation.

Section 3. That Section 3588, of the Revised Codes of Montana of 1921, as amended by Chapter 41, of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana, as amended by Chapter 174, of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana, as amended by Chapter 154, of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

"Section 3588. In cases of grain being sold outright to the warehouseman at the time of delivery or grain placed in store with the warehouseman to be sold at a future time to the warehouseman to whom delivered, settlement shall be made on the basis of grade, quality, protein content and quantity. In cases of storage of grain with intent of future re-delivery of the grain the owner must so designate at time of delivery to enable the warehouseman to special bin. Failure to so designate at time of delivery, the grain will lose its identity in general storage. Therefore, owner agrees to accept quantity of like grade, kind and quality (as provided for under the United States Federal Grain Standards Act) from warehouseman's general storage. Upon the return of the receipt to the proper warehouseman, properly endorsed, and upon payment or tender of all advances and legal charges, grain of grade agreed upon, of equal quality or value and quantity equal to that placed by him in store shall be delivered to the holder of such receipt within forty-eight hours after the facilities for receiving the same have been provided, or at

Settlement in cases of grain sold outright or for future sale.

When re-delivery desired.

Result of failure to designate.

Duty on return of receipt and payment of charges.

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the option of the owner such warehouseman shall deliver such grain at terminal, or if mutually agreed, the equivalent market value thereof on said date, less any freight and storage charges to terminal, and such other charges as may be allowed by the Commissioner of Agriculture.

Duty of receipt holders as to transportation facilities.

Owners of warehouse receipts surrendered for shipment shall furnish the warehouseman with written instructions regarding the capacity of cars to be ordered from the transportation company, and as to the manner of loading and billing shipments made in such cars as are furnished by the transportation company.

Warehouseman shall follow instructions and is liable for failure to comply.

The warehouseman shall load and bill all such shipments in exact accordance with instructions given, and shall be liable to the owner of the warehouse receipt so surrendered for the amount of any excess freight paid, or for other damages suffered by the owner of the warehouse receipt, resulting from the failure of the warehouseman to follow accurately the loading and billing instructions as given him, provided that the owner of said warehouse receipt shall immediately furnish to said warehouseman a duplicate copy of the original state weighmaster's certificate of weight of said carlot shipment at terminal.

Owner of receipt must furnish certificate of weight.

If any dispute or disagreement arises between the party receiving and the party delivering the grain at any public warehouse in this state as to the proper grade or dockage, or both, of any grain, in accordance with standards at terminal points, an agreed average sample of at least one quart of said grain in dispute may be taken by the parties interested, and forwarded in an air tight tin container duly marked for identification by the interested parties, mail or express charges prepaid, with the names and addresses of the parties, to the Chief Grain Inspector, Great Falls, Montana, or any state laboratory whose chief inspector has been qualified by the United States Department of Agriculture to grade grain, and make laboratory tests for protein, who will, upon request, examine said grain and adjudge what grade said sample is entitled to under the inspection rules and which amount of dockage it contains, and the findings of such inspection shall be binding upon both parties, subject to appeal, as hereinafter provided.

How to settle dispute as to grade or dockage.

Where grain is damp or musty.

If the grain in question is damp, musty, or otherwise out of condition, this fact, with any other necessary information, must accompany sample.

All storage contracts on grain in store in public local

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grain warehouses, as evidenced by a warehouse receipt, shall terminate on June 30th of each year.

Storage contract shall terminate June 30th each year.

Storage on any or all grain may be terminated by the owner at any time before the date mentioned herein by the payment or tender of all legal charges and the surrender of the storage receipt, together with a demand for delivery of such grain, or notice to warehouseman to sell the same. In the absence of a demand for delivery, order to sell, or mutual agreement for the renewal of the storage contract entered into prior to the expiration of the storage contract, as prescribed in this Act, the warehouseman shall, upon the expiration of the storage contract, sell so much of such stored grain at the local market price on the close of business on said day as is sufficient to pay the accrued storage charges, and shall thereupon issue new storage tickets for the balance of the grain to the owner thereof upon surrender by him of the original storage receipts. Provided, further, that it shall be the duty of the warehouseman on the first day of June of each year to notice all storage ticket holders at their last known address of the provisions of this Act."

How terminated by owner.

When warehouseman may sell to pay charges.

Notice required to all storage ticket holders.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1933.

CHAPTER 36

An Act to Amend Section 6, of Chapter 89, of the Montana Session Laws of 1925, Relating to Irrigation Districts, Authorizing and Empowering Irrigation Districts and the Commissioners Thereof to Purchase Land Sold for Delinquent Taxes; to Purchase and Take Assignments of Certificates of Tax Sales to Said Lands; to Take Title to Land so Sold for Taxes and to Purchase Such Lands in the County When Tax Deed Therefor Have Issued to the County; and to Manage, Operate, Lease, Sell and Dispose of the Same for the

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Use and Benefit of the District on Such Terms as May Seem for the Best Interest of Such District; to Commence, Maintain, and Prosecute Suits to Quiet Title as to the Land so Purchased.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6, of Chapter 89, of Montana Session Laws of 1925, be, and the same is hereby amended to read as follows:

Additional powers of irrigation districts.

Purchase lands sold for delinquent taxes.

Purposes.

Conditions of sale.

May sue or be sued both in equity and law.

General powers.

"Section 6. In addition to the powers heretofore granted to irrigation districts, the Commissioners of every irrigation district established and organized under and by virtue of the laws of the State of Montana shall have power to purchase lands within their respective districts heretofore sold and conveyed to the county for non-payment of taxes and assessments; to purchase certificates of tax sales of such land when struck off to the county; to take title thereto for their district; to own, manage, operate, lease, sell and dispose of the same for the use and benefit of their respective districts upon such terms as shall in the judgment of the Board of Commissioners of such irrigation district be deemed most advantageous to the district; provided that such lands shall be first offered for sale at public sale and the said Commissioners may reject any and all bids thereon, if in their judgment such bids are insufficient; and provided further that no such lands shall be sold at private sale at a price less than the highest bid therefor at the public sale at which such lands are offered for sale; and provided if no bid is received for said land when said land is offered at public sale the Commissioners may then sell the same in such manner and at such price and upon such terms as in their judgment shall be for the best interest of said district, and the said Commissioners of every irrigation district shall have power to sue and be sued in reference to said lands in the name of their respective irrigation districts; to commence, maintain and prosecute suits to quiet title to said lands and any and all other suits in equity or actions at law with reference thereto the same as might be done by any other individual or corporate owners of such lands; and to do any and all other acts or things necessary or beneficial for their respective districts in connection with such lands. The Board of Commissioners of any irriga-

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tion district shall be, and they are hereby authorized and empowered to do any and all things necessary to carry out the provisions and intentions of this Act.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1933.

CHAPTER 37

An Act to Amend Section 1023, of the Revised Codes of the State of Montana of 1921, as Amended by Chapter 18, of the Session Laws of the Eighteenth Legislative Assembly of Montana, 1923, Relating to Limitations in Connection with the Creation of School Districts or Changing the Boundaries Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1023, of the Revised Codes of the State of Montana of 1921, as amended by Chapter 18, of the Session Laws of the Eighteenth Legislative Assembly of Montana, 1923, be, and the same is hereby amended to read as follows:

"Section 1023. No school district shall be created nor boundaries changed between March 1st and July 1st of any calendar year, and no school district nor any portion of any school district shall be included in the petition for the consolidation of school districts or for the changing of boundaries of school districts more than once during one calendar year." Limitation in creating school districts and changing boundaries.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1933.

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CHAPTER 38

An Act to Make a Misdemeanor the Issuing or Circulating of Illustrations, Circulars, Statements or Memoranda of Any Sort by Officers, Directors, Representatives or Agents of Insurance Companies or Societies Doing Business in the State of Montana, or by Any Other Persons by Which the Terms, Benefits or Advantages of Any Policy Issued by Such Companies or Any Certificate of Membership Issued by Any Such Society, or the Making of Any Misleading Estimate of the Dividends or Share of Surplus to be Received Upon Such Policies or Certificates or Using Any Name or Title to Any Policy, or Class of Policies, or Certificates of Membership, or Class of Such Certificate, or Making or Issuing Any Written or Oral Statements Misrepresenting or Making Incomplete Comparisons or Attempting to Induce Any Person to Lapse, Forfeit or Surrender Any Policy of Insurance or Certificate of Membership, or Allow it to Lapse for the Purpose of Replacing Such Policy or Contract of Insurance with Another; Also Providing for the Revocation by the Commissioner of Insurance of the Certificate of Authority Issued to Any Corporation, Society or Agent for Violation of Any of the Provisions of This Act; Also Repealing Section No. 6290, of the Revised Codes of Montana, and All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Any misrepresentation made is violation.

Who may be liable.

Section 1. No life insurance corporation or society doing business in this state, and no officer, director, representative or agent therefor or thereof, and no other person, co-partnership or corporation shall issue or circulate, or cause or permit to be issued or circulated, any estimates, illustrations, circulars, statements or memoranda of any sort, misrepresenting the terms, benefits or advantages of any policy issued by any such corporation, or any certificate of membership issued by any such society, or making any misleading estimate of the dividends or share of surplus to be received thereon, or using any name or title of any policy or class of policies or certificates of membership or class of such certificates, misrepresenting the true nature thereof.

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Section 2. No such insurance corporation or society, and no officer, director, representative, or agent or broker therefor or thereof, or any other person, co-partnership or corporation shall make or issue, or cause to be made or issued, any written or oral statements misrepresenting or making incomplete comparisons for the purpose of inducing or attempting to induce the owner of such policy or contract of insurance to forfeit or surrender such policy or contract or allow it to lapse, for the purpose of replacing such policy or contract of insurance with another.

When unlawful to induce owner of policy to forfeit or surrender or lapse policy.

Section 3. Any such insurance corporation or society and any officer, director, representative, or agent therefor or thereof, and any other person, co-partnership or corporation violating any provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be punished accordingly. The commission of a single Act prohibited by this Act shall constitute a violation thereof.

Penalty.

Section 4. The Commissioner of Insurance may, in his discretion, revoke the certificate of authority issued to any corporation, society or agent, on his being satisfied, after notice and hearing, as provided by law, that such corporation, society or agent has violated any provisions of this Act. This penalty is in addition to the other penalties herein prescribed. Any corporation, society or agent whose certificate of authority has been revoked may, within fifteen days thereafter, appeal from said order to the District Court.

May make certificate of authority.

Appeal to District Court allowed.

Section 5. Section 6290, of the Revised Codes of the State of Montana for 1921, and all Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved February 25, 1933.

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CHAPTER 39

An Act to Amend Section 59, of Chapter 39, of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana of 1931, Relating to the Regulations Covering the Purchase of Milk and Cream for the Manufacture of Dairy Products or for Commercial Sweet Creams.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 59, of Chapter 39, of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana of 1931, be, and the same is hereby amended to read as follows:

Grade of milk or cream.

"Section 59. Hereinafter all milk or cream purchased by any person for use in the manufacture of butter, cheese or other dairy products within the State of Montana, shall be graded as follows, and shall conform to the following grade requirements:

Unlawful milk or cream.

1. **Unlawful Cream**: All milk and cream shall be considered unlawful that is musty, rancid, dirty or with marked undesirable odors, and shall not be sold, purchased, or used for any food purposes whatsoever. (Cream and milk of this character shall be condemned.)

Penalty.

2. **Penalty**: Failure to comply with the requirements of this section shall constitute a misdemeanor, punishable as provided in Section 49 of this Act, to which this section is added. In addition, if the purchaser is a licensed creamery, cheese factory, ice cream factory, or milk or cream buying or collecting station, or a licensed cream grader, weigher or sampler, such purchaser shall be subject to a revocation of his or its license."

May revoke license.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1933.

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CHAPTER 40

An Act to Amend Chapter 108, Session Laws of 1925, Montana, Relating to Expense of Officers and Employees of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 108, of the Session Laws of 1925, Montana, be, and the same is hereby amended to read as follows:

"Section 1. Every person engaged in any service in every Department of State, inclusive of persons in elective or appointive positions or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the state under monthly or yearly salary, or who may be sent by any authorized executive of any department of the state upon a mission in performance of any clerical work, investigating, reporting, examining, educational service, demonstration work, supervisory or extension work or otherwise of every kind and character, shall make an itemized statement tersely stating in what capacity engaged each day while away from the department in which said daily duties may arise and the expense incurred daily and shall render to the Board of Examiners the said itemized statement, and at the end of each month, or if sooner required by said Board, the said person so engaged shall render a total or recapitulation account thereof in a form to be prescribed by said Board; provided, that in all cases such expenses other than railroad fare, bus fare, or automobile hire shall be limited to not more than Four Dollars ($4.00) per day.

Persons affected.

Requires an itemized statement.

Must account to Board at end of each month.

All cases limited to $4.00 per day.

"Section 2. That the form mentioned in Section 1 above shall be substantially in small paper booklet form for each month with a page for every day showing expense items of each day in detail, such as meals, railroad fare, lodging, livery, telephone, telegrams and other items, and opposite each page in said monthly booklet, there shall be another page or space whereon mention shall be made by such person of the kind of duty performed on said day.

Form of account.

"Section 3. That said Board of Examiners shall keep a separate file for each person engaged in this Act con-

Duty of Board of Examiners.

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templated, and file reports and statements from each said person therein to be kept under the distinct and separate months of the year and group said files under each month of the year.

Must check files and reports of each person every three months.

"Section 4. That every three months the said Board shall investigate at one of its meetings the reports and files of each person who may be employed as herein mentioned, and make record in the minutes of the Board meeting as to any apparent duplication of services of any person with another within the same department or with other departments of state or the overlapping of such service as stated above from or within any department, and said Board shall make recommendations to one or more departments regarding the elimination of services of persons who, in the opinion of the Board, are unnecessarily employed, and when within the power of the said Board to dispense with the services of said persons, to consolidate the work of any two or more persons.

Make recommendations and eliminate duplications.

Separate form department reports.

"Section 5. The statements and reports herein required to be made by the persons employed in various departments shall be distinct and separate from other reports and detail that may be required to be made to the departments wherein such persons are respectively employed.

Those not affected.

"Section 6. That this Act shall not be construed to change in any manner the existing laws of the state pertaining to the conduct of any county, city or municipal office.

Repealing clause.

"Section 7. That all Acts and parts of Acts in conflict herewith are hereby repealed.

"Section 8. This Act shall be in full force and effect from and after its passage and approval."

This bill having remained with the Governor five days (Sundays excepted), and the Legislative Assembly being in Session, it has become a law this second day of March, A. D. 1933.

SAM W. MITCHELL,
Secretary of State.

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CHAPTER 41

An Act to Permit Real Property to be Redeemed from Tax Sale by Paying the Original Tax, if the Taxes be Paid by November 30th, 1933, and Extending the Time of Taking Tax Deed to November 30th, 1933.

Be it enacted by the Legislative Assembly of the State of Montana:

When real estate sold for taxes may be redeemed.

Section 1. That from and after the passage and approval of this Act, any person having an interest in real estate heretofore sold for taxes to any county or which has been struck off to such county when the property was offered for sale and no assignment of the certificate of such sale has been made by the county making such sale, shall be permitted to redeem the same by paying the original tax, without the payment of any penalty or interest thereon. Such redemption of real estate must be made on or before November 30th, 1933, and if such redemption is not made by the 30th day of November, 1933, then redemption can only be made by paying all interest, penalty and costs as now provided by law. This Act shall not apply to the purchaser of any certificate of sale made prior to its passage and approval.

No penalty or interest charge if paid by Nov. 30, 1933.

Notice to be published.

Section 2. County Treasurers and City Treasurers in their respective counties and cities shall cause to be published in at least one issue of the official newspaper of such county or city a notice of such right of redemption and extension of time, such notice to be published within sixty days from the approval of this Act.

Requirements of city and county during this period.

Section 3. County and City Treasurers shall not make assignments of tax sales until after the 30th day of November, 1933, and no county or city shall take tax deed to any delinquent real estate within their respective counties or cities until the 30th day of November, 1933. Providing further that any case where application for a tax deed has been made that this Act shall not apply.

Saving clause.

Section 4. If any section, sub-section, sentence, clause, or phrase of this Act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislative Assembly declares that it would have passed this Act and each section, sub-section, sentence, clause, and phrase thereof

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irrespective of the fact that any one or more section, sub-section, sentence, clause, or phrase be declared unconstitutional, the same being necessary to the welfare of the State of Montana and the political sub-divisions thereof by reason of the existence of an extraordinary emergency.

Emergency Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Stays Acts conflicting to Nov. 30, 1933.

Section 6. This Act stays the operation of all Acts and parts of Acts in conflict herewith until the 30th day of November, 1933, but does not otherwise effect such Acts or parts of Acts.

Approved March 2, 1933.

CHAPTER 42

An Act to Amend Sections 17, 23 and 25 of Chapter 60 of the Session Laws of the State of Montana of 1927, Relating to the Leasing of State Lands, Determination of Rental Value for Agricultural and Grazing Purposes, and Town, City and Other Lots.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 17 of Chapter 60 of the Session Laws of the State of Montana of 1927 be, and the same is hereby amended to read as follows:

Value in appraisals.

"Section 17. **Appraisal.** In all appraisals hereafter made there shall be one and only one kind of value placed on each tract of land at the same time, and this value shall be used as the basis both for the rental and the sale of such land, subject to all constitutional limitations.

When lands may be reappraised.

No reappraisal of state lands, except of town lots, shall hereafter be made before such average appraised values in the county to be appraised have been available and considered by the Board, and the necessity for such reappraisal determined by it, provided, however, that

Power of Board.

the Board shall have the power to correct errors and adjust inequalities in appraisements when it has been shown to the satisfaction of the Board that such errors

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or inequalities actually exist; and provided, further, that the Board may cause mortgaged land to be reappraised without reappraising other state lands in the county or counties in which they are located."

Section 2. That Section 23 of Chapter 60 of the Session Laws of the State of Montana of 1927 be, and the same is hereby amended to read as follows:

Who may lease.

"Section 23 of Chapter 60, Laws of 1927. **Who May Lease, How Much, and for What Length of Time.** No person shall be qualified to lease state lands except one who is the head of a family unless he or she has attained the age of twenty-one (21) years. Any such person and any association, company, or corporation authorized to hold lands under lease may lease state lands, and there may be included under one lease, tracts of lands embracing more than one (1) section, whether the lands have been received by the state through Federal land grants or consist of so-called 'mortgage lands'; any such person, association, company, or corporation may hold more than one (1) lease to such lands. No lease to agricultural or grazing lands, or town or city lots shall be for a longer period of time than five (5) years."

How much may be leased.

Lease limited to 5 years.

Section 3. That Section 25 of Chapter 60 of the Session Laws of the State of Montana of 1927 be, and the same is hereby amended to read as follows:

Rentals, how determined.

"Section 25. **Rental. How Determined.** The minimum annual rental for agricultural purposes shall be five per centum (5%) of the appraised valuation of such lands but in no case less than fifty cents (50c) per acre. The maximum annual grazing rental for state land shall not exceed Fifty Dollars ($50.00) per section, except where the leasing price is increased above this sum by competitive bidding. For the purpose of determining the rental price of grazing lands they shall be classified as follows:

Minimum.

Maximum.

Classification.

Class 1. Extra good grazing land, Thirty-five Dollars ($35.00) to Fifty Dollars ($50.00).

Class 2. Good grazing land, well sodded with grass, Thirty Dollars ($30.00).

Class 3. Fair grazing land, with medium grass, Twenty-five Dollars ($25.00).

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Class 4. Poor grazing land, thinly grassed, Twenty Dollars ($20.00).

Class 5. Any other grazing land, such amount as may be fixed by said Board.

Source of information.

Valuations for purposes of leasing shall be made from plats, records and information now on file in the office of the Commissioner of State Lands and Investments, by competent persons, qualified for this work.

Scale for rentals for fractional parts of year.

Rentals for fractional years, terminating on February 28 next following the date of issue, on agricultural and grazing lands shall be computed and collected as follows:

Leases beginning in:	Agricultural rental, percentage of full year's rental.	Grazing rental, percentage of full year's rental.
March	100%	100%
April	100%	100%
May	90%	90%
June	80%	80%
July	70%	70%
August	50%	50%
September	50% of grazing rental for both agricultural and grazing leases.	
October	40% of grazing rental for both agricultural and grazing leases.	
November	30% of grazing rental for both agricultural and grazing leases.	
December	20% of grazing rental for both agricultural and grazing leases.	
January	10% of grazing rental for both agricultural and grazing leases.	
February	5% of grazing rental for both agricultural and grazing leases.	

Applies to renewals.

All existing and delinquent leases shall, on renewal, be made to conform with the provisions of this Act.

Definition of agricultural usage and grazing usage.

Agricultural rentals shall apply and be charged and collected when the land is leased for or used for the raising of grain of any description, potatoes, beets or other cultivated crops, or for raising and harvesting alfalfa, clover, timothy or other grasses, or for other crops gathered or harvested from the land except that

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the grazing rates only shall be charged for summer fallowed land. Grazing rentals shall apply when the lands are used exclusively for pasture or grazing.

Minimum for town and city lots.

The minimum annual rental for town, city and other lots shall be five per centum (5%) of the appraised value thereof, calculated at the same rate per month for all seasons of the year. The appraisal of mortgage lands for purposes of fixing grazing rates shall not constitute an appraisal for purposes of sale.''

Appraisal not rated for purposes of sale.

Repealing clause

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1933.

CHAPTER 43

An Act Authorizing the Board of County Commissioners of Any County to Transfer Moneys in County Funds to a Fund for Use for Purposes of Relief in Cases of Emergencies Declared by the Governor.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorizing Board of County Commissioners to transfer funds for relief.

Section 1. Whenever the Governor of the State of Montana shall issue a proclamation declaring that an emergency exists in any county requiring the relief of suffering of the inhabitants thereof caused by famine, destitution, conflagration or other public calamity, the Board of County Commissioners of such county is authorized to transfer to the proper fund to be used for purposes of such relief any moneys in any other fund or funds of the county, but no moneys belonging to any bond sinking or interest fund or any school fund must be so transferred. The Governor shall in his proclamation state the facts upon which such emergency is declared and shall specifically limit the time during which such transfers may be made.

Moneys exempt.

Proclamation of Governor.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect on and after its passage and approval.

Approved March 4, 1933.

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CHAPTER 44

An Act to Permit County Commissioners in Counties Receiving Aid from the Reconstruction Finance Corporation or Other Similar Agencies to Appropriate Funds from the General Funds of Said Counties for the Employment of Help and Payment of Expenses in the Administration of Such Relief.

Be it enacted by the Legislative Assembly of the State of Montana:

Power of Commissioners where aid is received from R. F. C.

Section 1. In any county where aid is received from the Reconstruction Finance Corporation or any other similar agencies, the County Commissioners of such county shall be authorized to employ the necessary help and incur such expenses as are necessary in the administration of such relief, and in so doing the Board of County Commissioners may appropriate such funds, as are necessary from the general fund of said county and such appropriation shall be held and deemed legal and valid notwithstanding the provisions of the Budget Act.

Section 2. This Act will take effect and be in full force and effect from and after its passage and approval.

Approved March 4, 1933.

CHAPTER 45

An Act to Provide for the Appointment of a Commission by the Governor of Montana, for the Purpose of Administering Relief Funds Advanced by the Reconstruction Finance Corporation of the United States, and Defining the Duties and Powers of Such Commission, and Providing an Appropriation Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

"Montana Relief Commission"

County committees where needed.

Section 1. The Governor of the State of Montana shall appoint a commission of five members, who shall serve without compensation for the term of two years. This Commission shall be known as the "Montana Relief Commission." It shall appoint committees in such counties

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of this state as shall ask and receive relief from the Reconstruction Finance Corporation, which county committees shall receive no compensation for their services.

Powers of Montana Relief Commission.

Section 2. The Commission shall make all necessary rules and regulations in connection with making applications for such relief and make regulations relative to the applications and the investigation and granting of same, and shall require adequate standards of relief, require the making of such reports as they deem necessary, and supervise and regulate the distribution of relief funds from the Reconstruction Finance Corporation within the State of Montana, and may compel compliance with their rules and regulations as a condition of securing relief from such Reconstruction Finance Corporation.

May compel compliance with their rules.

Appropriation for expenses.

Section 3. That the following sums or so much thereof as may be necessary and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, beginning March 1, 1933 and ending June 30, 1935.

MONTANA RELIEF COMMISSION
FROM THE GENERAL FUND

For Expenses, Twenty-five Hundred Dollars....$2500.00

Not affected by Budget Act.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1933.

CHAPTER 46

An Act to Regulate the Practice of the Profession of Public Accounting; and Repealing Chapter 231, Revised Codes of Montana, 1921, Legislative Assembly of the State of Montana, Entitled: 'An Act to Regulate the Practice of the Profession of Public Accountancy.'

Be it enacted by the Legislative Assembly of the State of Montana:

University empowered to issue certificates.

Section 1. The State University of Montana (hereinafter referred to as the University) is hereby authorized

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to issue to persons possessing the qualifications, hereinafter set forth, certificates entitling the holders thereof to practice as certified public accountants, and to employ the title of "Certified Public Accountant" or the abbreviation "C. P. A." Every applicant for such certificate shall be a citizen of the United States of America, or a citizen of a foreign country who has filed his first papers declaring his intention of becoming a citizen of the United States, of the age of twenty-one years, of good moral character, a graduate of a high school with a four years' course, or possessed of an equivalent education, and a resident of the State of Montana for at least one year immediately preceding the date of his application. Save, as provided in Section 2 of this Act, certificates shall issue only to applicants who shall be certified to the University by its Board of Examiners in Accountancy, hereinafter provided for, as having successfully passed a written examination in "Auditing", "Accounting", and "Commercial Law", as affecting accountancy, together with such other related subjects as the University may designate.

Qualifications of applicants.

One year residence.

Examination.

When certificate may be issued without examination.

Section 2. The University may waive the examination and may issue a certificate in such form as to clearly indicate the conditions under which same be issued to any applicant who is possessed of the other qualifications hereinbefore recited, and who shall be—

C. P. A. from another state.

(1) The holder of a valid certificate as Certified Public Accountant issued by another state which extends like privileges to Certified Public Accountants of this state; provided, that the requirements for said certificate in said other states are, in the opinion of the University, equivalent to those of the State of Montana; or,

Proviso.

Member of American Institute of Accountants.

(2) A member or associate in good standing of the American Institute of Accountants, who shall have successfully passed the examination required by the said American Institute of Accountants, provided that in the opinion of the University the standards of said examination are as high as those maintained by the University;

Proviso.

State Accountant, Corporation License Tax Auditor, State Examiner or Assistant.

(3) Employed as State Accountant, Corporation License Tax Auditor, State Examiner, or Assistant or Deputy State Examiner, and who shall have been so engaged exclusively and continuously for at least four years preceding the date of his application for said cer-

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tificate, and who shall apply in writing to the University for said certificate within sixty days from and after the date of passage and approval of this Act, and shall present evidence of such qualifications as are required by this Act.

Proviso.

Section 3. For the purpose of determining the qualifications of persons applying for examination, under the provisions of Section 1 of this Act, the State Board of Education shall appoint a Board of Examiners in Accountancy, consisting of three members, each of whom shall possess a certificate as Certified Public Accountant issued under this Act, or under the provisions of Chapter 231, of the Revised Codes of Montana, 1921. The members of the first Board appointed hereunder shall hold their offices until July 1st, 1934. The members of Boards subsequently appointed shall hold their offices for the period of one year, and until their successors shall be appointed and qualified.

State Board of Education shall appoint Board of Examiners in Accountancy.

Term of office.

Section 4. The University shall prescribe all useful and necessary rules and regulations for the conduct, character and scope of the examinations, the methods and time of filing applications therefor, and all other rules and regulations necessary or proper, fully to carry into effect the purposes of this Act.

Power of University with regard to the examinations and other rules.

Section 5. The Board of Examiners in Accountancy shall hold examinations at the University at Missoula, Montana, or at the State Capitol, in Helena, Montana, as often as in the opinion of the University shall be necessary, but in no event less frequently than once each year. Thirty days' notice of the time and place of holding such examination shall be given by advertisement published once a week for three successive weeks prior to the date thereof, in three daily newspapers, no two of which shall be published in the same county.

When Board shall meet.

Notice required.

Section 6. The University shall be entitled to receive for the examination and certificate, provided for in Section 1 of this Act, a fee of twenty-five dollars, payable in advance at the time of making application therefor. Any applicant who shall fail to pass an examination shall be entitled to further examinations within the next two succeeding years following such failure, but at such times only as the Board of Accountancy shall hold the

Fees.

May be re-examined on failure.

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regular examination, prescribed in Section 5 hereof. Such applicant shall not be entitled to more than one examination in each year, providing, that for each additional examination, after the failure of such applicant to pass, a fee of five dollars shall be paid by said applicant for each additional examination.

Additional fee.

Power to cancel certificate.

Notice of hearing.

Power to investigate and recommend.

Section 7. The University may cancel any certificate issued under the provisions of this Act for unprofessional conduct or other sufficient cause; provided, that written notice shall have been forwarded by registered mail at least twenty days prior to any hearing thereon, addressed to the holder of such certificate at his last known address, and appointing a date for a full hearing thereon by the University; and provided, further, that no certificate shall be revoked until after a hearing shall have been had. The University shall establish such rules and regulations for the conduct of such hearings as to it may appear necessary and proper, and in its discretion may appoint a commission of disinterested persons to take evidence and prepare and submit findings and recommendations.

When issuance of false statement is a misdemeanor.

Penalty.

Section 8. Any person practicing as an "Accountant", "Public Accountant", "Auditor", or "Certified Public Accountant", in this state, who, because of negligence, gross inefficiency, or wilfulness, shall issue, or permit the issuance of any false statement of the financial transactions, standing or condition of any corporation, partnership, or individual business undertaking, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred dollars nor more than two thousand dollars, or imprisoned for a period of not less than ninety days nor more than one year, or subjected to both said fine and imprisonment, in the discretion of the court.

Annual license fee.

Section 9. On application by the holder of a certificate of "Certified Public Accountant", issued under the laws of this state, on or before December 31st of each year, filed with the University, together with the payment of an annual license fee of five dollars, the applicant's name shall be registered by the University and included in a declaration, which shall be issued annually by the University, containing a copy of this law and an alphabetical list of such accountants as have so regis-

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tered, their certificate numbers and their addresses, but nothing in this section contained shall operate to cancel any certificate of any certified public accountant otherwise in good standing.

Persons who represent themselves as herein set out shall be guilty of a misdemeanor.

Section 10. Any person who shall represent himself as having received a certificate, as provided in this Act, or under the provisions of Chapter 231, of the Revised Codes of Montana, 1921, or who shall offer to or attempt to practice as a Certified Public Accountant, or Chartered Accountant, or who shall employ the abbreviation "C. P. A." or "C. A.", or any similar words or letters to indicate that he is a Certified Public Accountant, or Chartered Accountant, without having been granted a certificate as such by the University or under the laws of another state; or who, having received a certificate as Certified Public Accountant under the laws of this or another state, shall have lost the same by revocation or annulment and who shall continue to practice as a Certified Public Accountant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than one thousand dollars, or imprisoned for a period of not less than ninety days nor more than one year, or subjected to both said fine and imprisonment, in the discretion of the court.

Penalty.

Definition of Public Accountant and Certified Public Accountant.

A "Public Accountant" is one who offers his services professionally for pay to the general public; and a "Certified Public Accountant" is one who shall have received a certificate as such under this law or prior laws of the State of Montana, or some other state.

Repealing clause.

Section 11. Chapter 231, of the Revised Codes of Montana, 1921, and all other Acts or parts of Acts in conflict herewith are hereby repealed. Provided, however, that nothing in this Act contained shall nullify, invalidate or otherwise affect any certificate as Certified Public Accountant heretofore issued by the University under the provisions of prior Acts.

Disposition of fees.

Section 12. All funds received under this Act, or under or by virtue of prior accountancy laws shall be received by the University and paid into the Board of Accountancy fund.

What expenses allowed Board.

The members of the Board of Examiners in Account-

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ancy shall receive their actual traveling and hotel expenses incurred while engaged in the performance of their duties, as imposed upon them by this Act, but shall receive no other compensation. Such expenses, together with the expense of preparing and issuing certificates, publishing notices of examinations, and all other expenses arising from the administration of this Act shall be paid by the University from the fees received from applicants. In no event shall any expenses arising from the administration of this Act become a charge against the funds of the University or the State of Montana.

Expenses to be paid from fees.

Proviso.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Saving clause.

Section 14. Should any court or courts of this state declare any provision of this Act unconstitutional, illegal, or void, such decision shall not invalidate any other provision or part of this Act.

Approved March 6, 1933.

CHAPTER 47

An Act to Amend Section 4026 of the Revised Codes of Montana of 1921, as Amended by Section 1 of Chapter 179 of the Laws of 1929, as Amended by Section 1 of Chapter 194 of the Laws of 1931; Section 4028 of the Revised Codes of Montana of 1921, as Amended by Section 3 of Chapter 179 of the Laws of 1929; Section 4033 of the Revised Codes of Montana of 1921; Section 4036 of the Revised Codes of Montana of 1921; Section 4040 of the Revised Codes of Montana of 1921, as Amended by Section 4 of Chapter 179 of the Laws of 1929; Section 4041 of the Revised Codes of Montana of 1921; Section 4044 of the Revised Codes of Montana of 1921; Section 4050 of the Revised Codes of Montana of 1921, as Amended by Section 5 of Chapter 179 of the Laws of 1929; Defining Investment Companies, Exempting Certain Securities from the Provisions Thereof; Providing for the Examination of Papers and Issuance and Revocation of Permits and Suspension of Permits Pending Hearing and Right of Appeal; Providing for the Registration of Agents and

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Permits to do Business and the Revocation of Such Permits; Fixing the Time at Which Annual Statements and Special Reports Must be Filed with Investment Commissioner; Regulating Circulars and Advertisements and the Use of the Name of the Investment Department or Commissioner or Misrepresentation in Sales Promotion; Prescribing the Fees to be Paid by Investment Companies, Stock-brokers and Agents Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4026 of the Revised Codes of Montana of 1921, as amended by Section 1 of Chapter 179 of the Laws of 1929, as amended by Section 1 of Chapter 194 of the Laws of 1931, be, and the same is hereby amended to read as follows:

"Section 4026. That name 'Investment Company' as used in this Act shall include: All domestic and foreign corporations, whether incorporated or unincorporated, associations, joint stock companies, partnerships, firms, trusts, common law companies, syndicates, pools, or any other form of organization or association, organized or proposed to be organized, except as otherwise provided in this Act, who shall sell, attempt to sell, or negotiate for the sale of, or of taking subscriptions for any stock, bonds, units or shares, or debentures, evidence of indebtedness, certificates of interest or participation, certificates of interest in profit sharing agreement, collateral trust certificates, contracts of interest, diversified trustee shares, fixed investment trusts, selected shares corporations, investment contracts, or contracts for the performance of personal services of the furnishing of materials in connection with the burial or cremation of dead human bodies, which contracts are to be performed at a future time determinable only by the death of the person in connection with whose decease said services are to be performed or materials furnished, contracts or agreements or securities of any kind or character, to any person or persons in the State of Montana."

What is included in the name "Investment Company."

Section 2. That Section 4028 of the Revised Codes of Montana of 1921, as amended by Section 3 of Chapter 179 of the Laws of 1929, be, and the same is hereby amended and re-enacted to read as follows:

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Securities exempted.

"Section 4028. The provisions of this Act shall not apply to the following securities:

Securities of U. S. Gov., states and subdivisions and recognized foreign governments.

1. Securities of the United States or of any foreign government, with which the United States maintains diplomatic relationship at the time of the sale thereof, or of any state or territory, or of any county, city, township, district or other public taxing subdivision of any state or territory of the United States.

Securities of public or quasi-public corporations.

2. Securities of public or quasi-public corporations, the issues of which are regulated by a state officer or board of this state, or by a state officer or board of similar authority, of any state or territory of the United States, or securities senior thereto.

Securities of state or national banks.

3. Securities of state or national banks or trust companies, or building and loan associations authorized by the Superintendent of Banks to do business in this state.

4. Policy contracts of insurance companies licensed to do business in this state.

5. Securities of any domestic corporation not organized for profit.

Securities of certain co-operative associations.

6. Securities of any co-operative association organized in good faith under the laws of this state, exclusively for the purpose of conducting upon the co-operative plan, among its stock-holders, any or all of the following

Kinds permitted.

business: Any agricultural, dairy, livestock or produce business, the business of selling, marketing or otherwise handling any agricultural, dairy or livestock products, or other produce raised or produced by the stockholders of such association, or by any co-operative association, the manufacture of any products from any agricultural, dairy or livestock products, or other produce, produced by the members of such association, any business incidental to any of the above purposes, the operation of a rural telephone among its stockholders.

Certain listed securities.

7. Securities listed on the New York Stock Exchange, the Boston Stock Exchange, the Board of Trade of the city of Chicago, Chicago Stock Exchange or the New York Curb Exchange, which securities have been so listed pursuant to official authorization by such exchange, and all securities senior to any securities so listed or represented by subscription rights which have been so listed

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or evidence of indebtedness guaranteed by companies, any stock of which is so listed, such securities to be exempt only so long as such listing shall remain in effect.

8. Notes secured by mortgages for real estate located in the State of Montana.

9. Securities sold by the owner for the owner's account exclusively, where the owner is not the issuer or an underwriter thereof, when not made in the course of continued and repeated transactions of a similar nature.

10. Securities of a corporation where the persons holding the same shall not exceed fifty in number.

Section 3. That Section 4033 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 4033. **Application and Fee for Permit.** Before securing such permit, it shall be necessary for each and every investment company to file in the office of the Investment Commissioner, together with a filing fee of Twenty-five Dollars ($25), the following papers, documents, etc., together with such other information and documents as said Investment Commissioner shall deem necessary in each case, to-wit: Application and fee.

1. An itemized statement of its actual financial condition, and the amount of its properties and liabilities; What to contain.

2. A copy of all contracts, bonds, or other securities which it proposes to make with or sell to its contributors;

3. Sample copies of all literature or advertising matter used or to be used by such investment company;

4. A copy of its constitution and by-laws or articles of co-partnership or association;

5. If it shall be an incorporated investment company, it shall also file a copy of its charter, and if it be a foreign investment company, such copy shall bear the certificate of the Secretary of State, or other state officer having custody of such records, that it is a true, complete, and correct copy. Copy of charter.

6. If the applicant is a foreign investment company, a certificate by the proper officer of its domicile state, territory, or government not more than thirty (30) days Certificate from home state.

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before the filing of such application, showing that such applicant is authorized to transact business in such state, territory, or government."

Section 4. That Section 4036 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Duty of Investment Commissioner.

"Section 4036. **Examination of Papers and Issuance of Statement.** It shall be the duty of the Investment Commissioner to examine the statements and documents so filed, and if said Investment Commissioner shall deem it advisable, he shall make or have made a detailed examination, audit or investigation of such investment company's affairs; providing, that such investment company may at its option, in writing, refuse to have such investigation made, in which event said Investment Commissioner shall reject its application. If he finds that such investment company is solvent, that its articles or incorporation or association, its constitution and by-laws, its proposed plan of business, and proposed contracts contain and provide for a fair, just and equitable plan for the transaction of business and that its promotion expense shall not be greater than twenty-five per centum (25%) of the sale price of its securities, and in his judgment promises a fair return on the stocks, bonds, or other securities by it offered for sale, the Investment Commissioner shall issue to such investment company a statement, entitling it to sell such securities in the State of Montana, and reciting that such company has complied with the provisions of this Act, that detailed information in regard to the company and its securities is on file in the Investment Commissioner's office, and that such investment company is permitted to do business in this state; and such statement shall also recite in bold type that the Investment Commissioner in no wise recommends the securities to be offered for sale by such investment company. Such permit, however, shall be subject to revocation at any time by the Investment Commissioner for cause to him sufficient, but no order revoking such permit shall be entered without a formal hearing. The Commissioner shall at least ten (10) days before revoking a permit, send by registered mail to the permittee, a written notice of his intention so to do, specifying therein the reasons for such revocation, the time when and the place where such hearing will be

Option to refuse examination or be refused application.

When statement shall be issued by Commissioner.

Statement, what to contain.

Not a recommendation.

Permit may be revoked.

Notice on hearing.

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held, at which hearing the permittee shall have the right to appear by counsel, or otherwise, and be fully heard; provided however, that pending said hearing the Investment Commissioner shall have power to suspend said permit and thereafter the sale or offer for sale of securities by the permittee shall be unlawful. The permittee shall have the right to appeal from any and all final orders entered by the Investment Commissioner upon the formal hearing so had, which said appeal shall be in the manner and form as provided in Section 4038 of the Revised Codes of Montana of 1921, as amended by Section 3, Chapter 194 of the Laws of 1931. But if said Investment Commissioner finds that such articles of incorporation or association, charter, constitution and by-laws, plan of business, or proposed contract contain any provision that is unfair, unjust, inequitable, or oppressive to any class of contributors, or if he decides from his investigation or examination of its affairs that said investment company is not solvent, or does not intend to do a fair and honest business, or in his judgment does not promise a fair return on the stocks, bonds, or other securities by it offered for sale, then he shall not grant such company a permit as herein provided, and shall notify said company in writing of his decision."

Commissioner may suspend power until after the hearing.

Appeal permitted.

Manner to appeal.

When permit shall not be granted.

Section 5. That Section 4040 of the Revised Codes of Montana of 1921, as amended by Section 4 of Chapter 179 of the Laws of 1929, be, and the same is hereby amended to read as follows:

"Section 4040. **Registration of Agents and Permits to do Business.** Any investment company or stock-broker holding a permit issued by the Investment Commissioner may appoint one or more agents, but no such agent shall do any business as provided in this Act for said investment company or stock-broker in this state until he shall be registered with the Investment Commissioner as an agent of such investment company or stock-broker, and shall deliver to the Investment Commissioner a good and sufficient bond in the sum of One Thousand Dollars ($1,000), payable to the State of Montana, to be executed by said agent together with a good and sufficient surety and/or sureties to be approved by the Investment Commissioner, conditioned upon the faithful compliance with the provisions of law by said agent, and shall pro-

Must register as agent before doing business.

Agent must furnish bond.

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Registration fee.

Individual permits issued to agents.

Term of permit.

Residence requirement to become agent.

Exception.

Permit may be revoked.

vide that upon failure to so comply, the agent shall be liable to any and all persons who may suffer loss by reason thereof, and for each of such registrations there shall be paid to the Investment Commissioner the sum of Five Dollars ($5.00), and said Investment Commissioner shall issue to each agent so registered an individual permit, entitling him to represent such investment company or stock-broker in the State of Montana as its agent until the first day of March following, when it shall be necessary to re-register such agent, provided that no agent of any stock-broker, company, association or corporation will be granted a permit to represent said stock-broker, company, association or corporation unless he has been a resident of the State of Montana for a period of at least six months next prior to the date of application for said permit, except that an officer of the permitted investment company may employ one manager or supervisor to act as sales manager for such investment company, which said manager or supervisor need not qualify as to residence. Such permit, however, shall be subject to revocation at any time by the Investment Commissioner for cause appearing to him sufficient. The conversion by an agent of securities, or the practice of trading in of securities of any company, commonly known as 'Twisting' or 'High-grading' shall be grounds for having his permit revoked upon hearing."

Section 6. That Section 4041 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Statement required to be filed each year.

Filing fee.

"Section 4041. **Statement of Companies and Stock-brokers.** Every investment company, or stock-broker licensed under this Act shall file on or before the fifteenth day of March of each year, and such other times as required by the Investment Commissioner, a statement setting forth, in such form as may be prescribed by said Investment Commissioner, its financial condition, amount of its properties and liabilities, and such other information concerning its affairs as said Investment Commissioner may require. Each such statement shall be accompanied by a filing fee in the amount as provided in Section 4050. Any investment company or stock-broker failing to file its report as herein provided, or failing to file any special report within thirty (30)

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days after receipt of request from the Investment Commissioner therefor, shall forfeit its right to do business in this state by reason thereof."

Penalty for failure to file.

Section 7. That Section 4044 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 4044. **Circulars and Advertisements, Conditions Covering.** It shall be unlawful for any investment company or stock-broker, or his or its agents, to issue, circulate, or deliver any advertisement, pamphlet, circular, or other securities in the State of Montana, until after such investment company or stock-broker shall have been licensed to sell his or its securities in the State of Montana, as provided in this Act, and it shall be unlawful for any such licensed investment company or stock-broker, or his or its agent, to issue, circulate, or deliver any such advertisement, pamphlet, circular, or other document, unless the same shall be signed and bear a serial number and a copy thereof first filed with the Investment Commissioner and the approval of the Investment Commissioner obtained thereto; nor shall it be lawful for any investment company or its officers, directors, or agents, or any stock-broker or his agents to use in any newspaper advertisement or other means of advertising the name of the Investment Department, or the name of the Investment Commissioner of the State of Montana, or the permit issued to such investment company, stock-broker, or agent for the purpose of making sales; nor shall it be lawful for any investment company, stock-broker, or agent to use any letter or other matter issued by the Investment Department or the Investment Commissioner of the State of Montana for sales purposes; and further, no investment company, stock-broker, or agent shall issue or circulate, or cause to be issued or circulated by speech or otherwise, any estimate, illustration, circular or statement of any sort that is false or wilfully exaggerated, or which is intended to give, or which has a tendency to give an apparent or greater value to the securities or property of said investment company, broker, dealer, or issuer, or misrepresent the terms, conditions, profits or dividends, of any stock, bond, or security which the said investment company, stock-broker, or agent is permitted to sell in the State of Montana."

Circulars and ads are unlawful unless licensed to do business.

Copies of circulars and ads must be filed and approved.

Any reference to Investment Department or to the Investment Commissioner for sale purposes shall be unlawful.

False or wilfully exaggerated statements unlawful.

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Section 8. That Section 4050 of the Revised Codes of Montana of 1921, as amended by Section 5 of Chapter 179 of the Laws of 1929, be, and the same is hereby amended to read as follows:

Fees.

"Section 4050. **Fees.** The following fees shall be paid to the Investment Commissioner:

Original filing fee.

a. The fee for filing the original papers of an investment company or stock-broker shall be Twenty-five Dollars ($25), as provided by Section 4033.

Agent's fee.

b. The fee for agent's licenses shall be Five Dollars ($5.00), as provided by Section 4040.

Annual statement fee.

c. The fee for filing the annual statement of an investment company or stock-broker shall be Two Dollars and Fifty Cents ($2.50), as provided by Section 4041.

Fee based on total assets as follows:

d. For the credit of the general fund, each investment company, domestic or foreign, licensed under this Act, and selling the class of securities as defined in Section 4027, shall pay to the Investment Commissioner on or before the first day of July, each year, a fee based upon the total assets of such investment company, as shown by its last annual statement and upon the following rates:

Those having total assets in the amount of Fifty Thousand Dollars ($50,000), or less, shall pay a fee of Twenty-five Dollars ($25).

Those having total assets in the amount of Fifty Thousand Dollars ($50,000) and less than One Hundred Thousand Dollars ($100,000), shall pay a fee of Fifty Dollars ($50).

Those having total assets in the amount of One Hundred Thousand Dollars ($100,000) and less than Three Hundred Thousand Dollars ($300,000), shall pay a fee of Seventy-five Dollars ($75).

Those having total assets in the amount of Three Hundred Thousand Dollars ($300,000), and less than Six Hundred Thousand Dollars ($600,000), shall pay a fee of One Hundred Dollars ($100).

Those having total assets in the amount of Six Hundred Thousand Dollars ($600,000), and less than One

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Million Dollars ($1,000,000), shall pay a fee of One Hundred Fifty Dollars ($150).

Those having total assets in the amount of One Million Dollars ($1,000,000), and less than Two Million Dollars ($2,000,000), shall pay a fee of Two Hundred Dollars ($200).

Those having total assets in the amount of Two Million Dollars ($2,000,000), and less than Five Million Dollars ($5,000,000), shall pay a fee of Three Hundred Dollars ($300).

Those having total assets in the amount of Five Million Dollars ($5,000,000), or more, shall pay a fee of Five Hundred Dollars ($500).

Fee for each issue of security.

e. For the credit of the general fund, each stockbroker, domestic or foreign, licensed under this Act, and handling the class of securities as defined in Section 4027, shall pay to the Investment Commissioner a fee in the sum of Five Dollars ($5.00) for each and every issue of security or securities as defined in Section 4027, handled by such broker.

Fees credited to general fund.

f. All fees provided for in this Act shall be collected by the Investment Commissioner and, by him, shall be deposited with the State Treasurer, for the credit of the general fund."

Saving clause.

Section 9. If any section of this Act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Act.

Repealing clause.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1933.

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CHAPTER 48

An Act to Amend Section 6118 of the Revised Codes of Montana of 1921, Relating to Obtaining of License to Transact Insurance Business—All Agents Providing for Filing of Application for License and Qualification of Applicant; the Filing of Statement of Company at Time of Termination of Employment of an Agent; Providing for the Suspension or Revocation of Licenses and Providing for Right of Appeal from Ruling of Insurance Commissioner.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6118 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

All agents who transact insurance business must obtain a license.

"Section 6118. **Obtaining of Licenses to Transact Insurance Business—All Agents.** Before transacting any fire, life or other indemnity or insurance business, each and every agent, firm or corporation acting as agent, solicitor or representative of such corporations or associations, shall procure annually from the Commissioner of Insurance a certificate of authority or license as an agent, solicitor or representative of each corporation or association represented by him or them, and which certificate shall terminate or expire on the thirty-first day of March of each year, unless sooner revoked or terminated as otherwise provided, for which a fee of Five Dollars ($5) for each certificate shall be paid to the Commissioner of Insurance; provided, that the Commissioner of Insurance is hereby prohibited from issuing a certificate of authority to write policies of insurance, or to solicit and obtain and transact insurance business as defined in this Act, to any person, agent, firm or corporation, unless such person, agent, firm or corporation is a legal resident of the State of Montana at the time such certificate of authority is issued. Provided, that every applicant who shall apply for such license shall file with the Commissioner of Insurance his written application on blanks furnished by the Commissioner, which application shall be signed and sworn to by the applicant and shall give his name, age, residence, place of business and occupation for five (5) years next prior

Fee.

Agent must be legal resident of Montana.

Applicant must file a written application.

What to contain.

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to the date of application and also set forth his qualifications for such license; namely, his familiarity with the insurance laws of this state and with the provisions of the contracts to be negotiated; what insurance experience he has had, if any; what insurance instruction he has had or expects to receive; whether he has been refused or has had suspended or revoked a license to solicit insurance by the insurance department or supervising officials of any state; whether any insurance company or any general agent claims such applicant is indebted under any agency, contract or otherwise, and if so, the name of the claimant, the nature of the claim and the applicant's defense thereto, if any; whether he has had an agency contract cancelled, and if so, when, by what company or general agent and the reason therefor. The applicant shall be vouched for by an official or a licensed representative of the company for which he proposes to act, who shall certify whether the applicant is personally known to him, whether the applicant has been appointed an agent to represent such company, and that such company has duly investigated the character and record of such person, and has satisfied itself that he is trustworthy and qualified to act as its agent and intends to hold himself out in good faith as an insurance agent. Upon the termination of the employment of any agent every insurance company shall file with the Commissioner of Insurance a statement of the facts relative to the termination of such employment and the cause thereof. Any information, document, record, statement or thing required to be made or disclosed to the Commissioner of Insurance by this Act, shall be privileged and shall not be used as evidence in any action or proceeding instituted against the company or any representative thereof by or in behalf of any person who has been licensed under the provisions of this Act. The Commissioner of Insurance may suspend or revoke the license of any insurance agent if, after due investigation, notice and a hearing, he determines that such license has been secured by fraud or misrepresentation; or that the agent has violated any insurance law of this state; or has failed or refused to pay or to deliver to the company or to his principal any money or other property in the hands of said agent belonging to such company or principal when requested so to do; or has violated

Must be vouched for by representative of company for which he intends to act.

Company must give notice of termination of agency.

Privileged information and cannot be used as evidence.

Power to suspend or revoke license, when.

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any lawful ruling of the insurance department; or has been convicted of a felony; or has otherwise shown himself untrustworthy or incompetent to act as an insurance agent. Before the Commissioner of Insurance shall revoke or suspend any such license he shall give to the agent and to the company which he represents written notice of the charges and of the hearing, not less than twenty (20) days prior to the time set for such hearing. Such notice shall be forwarded by registered mail addressed to the agent at his last known address, and to the company at its principal place of business. Full opportunity shall be given at such hearing to the agent and to the company to appear with counsel and be heard upon such charges. Within thirty (30) days after the revocation or suspension of license or the refusal of the Commissioner of Insurance to grant a license, the agent or applicant aggrieved may appeal from the ruling of the Commissioner of Insurance to any court of competent jurisdiction. Appeals may be taken from the judgment of said court as in other civil cases. In the absence of a contrary ruling by the Commissioner of Insurance in a given case, license renewals shall be issued from year to year upon the request of the company without further action on the part of the agent. No officer or travelling salaried employee of any insurance company not compensated on a commission basis shall be required to obtain a license under this Act. Any person or persons who shall in any way violate the provisions of this section shall, upon conviction, be fined not less than Fifty Dollars ($50) nor more than One Hundred Dollars ($100), or imprisoned in the county jail for not less than thirty (30) days nor more than ninety (90) days, or both such fine and imprisonment, at the discretion of the court. Certificates of authority or licenses issued under this section shall be considered the licenses of the company, corporation, association or society applying for the same and may at all times be transferred from the agent, firm or corporation for which the license was originally issued to another agent, firm or corporation, on the surrender of the said license to the Commissioner of Insurance, who will make the proper indorsement thereon."

Notice to agent and company.

Full hearing allowed.

May appeal from finding at hearing.

License renewals.

Persons not contemplated by this Act.

Penalty for violation.

License may be transferred.

Laws not changed or affected.

Section 2. No part of this Act shall be construed as in any way repealing Section 6119 of the Montana Re-

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vised Codes of 1921, nor shall any part of this Act be construed as in any way altering or amending any part of Chapter 22 of said Code relating to fraternal benefit societies.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Saving clause.

Section 4. If any section of this Act shall be held unconstitutional or invalid, such decision shall not effect the validity of the remaining portion of this Act.

Section 5. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 6, 1933.

CHAPTER 49

An Act to Amend Section 1 of Chapter 92, Session Laws of 1927, Being an Act Entitled 'An Act Relating to the Giving of Notice on Application for Tax Deeds by Counties, Cities and Towns, and Legalizing and Validating Tax Deeds Heretofore Issued to Counties, Cities and Towns.'

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 92, Session Laws of 1927, be, and the same is hereby amended so as to read as follows:

When tax deed may be issued to town, city or county.

"Section 1. Whenever a county, city or town has become or hereafter becomes the purchaser of property sold for delinquent taxes, and is the holder of the certificate of sale when the time for redemption expires, the Board of County Commissioners, City or Town Council or Commission at any time thereafter deemed proper may order and direct the County Clerk, City or Town Clerk, to apply to the County, City, or Town Treasurer, as the case may be, for the issuance to the county, city or town, of a tax deed for such property, and it shall then be the duty of the County Clerk, City or Town Clerk, to give or post and cause to be published the proper notice of the application for such tax deed and to make the proper proof thereof, all in the manner re-

Notice required.

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quired by Section 2209 of the Revised Codes of Montana, 1921. Provided, however, that the Board of County Commissioners, City or Town Council or Commission, cannot be compelled to order and direct the County Clerk, City or Town Clerk, to apply to the County, City or Town Treasurer, as the case may be, for the issuance of a tax deed within three years after the time for redemption has expired, unless the Board of County Commissioners, City or Town Council or Commission deems it proper so to do."

When Board cannot be compelled to act.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 50

An Act to Amend Sections 4525 and 4526 of the Revised Codes of Montana of 1921, Providing for the Letting of Contracts by Boards of County Commissioners for the Care, Support and Maintenance of the Indigent Sick, Poor and Infirm of the County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4525 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

County Commissioners may publish notice for sealed proposals for care, support and maintenance of poor.

"Section 4525. **Care of County Poor and Indigent Sick and Infirm—Letting of Contracts by Commissioners.** The Board of County Commissioners may, at its regular meeting in August of each year, make an order directing the Clerk of the Board to publish a notice in a newspaper inviting sealed proposals for the care, support and maintenance of the poor of the county per capita by the week for a period of one year, said proposals to include the entire cost of feeding, clothing and maintaining the county poor; and inviting sealed proposals for the care, support and maintenance of the indigent sick and infirm of the county for a period of one year, said

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proposals to include the entire cost of feeding, clothing, hospital care and nursing for such indigent sick and infirm and Christian and respectable burial expenses. Such notice must be published once a week for four successive weeks in the official newspaper of the county."

Notice required.

Section 2. That Section 4526 of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

"Section 4526. **Contracts for Care of Poor and Indigent Sick and Infirm.** Separate proposals may be made for the care, support and maintenance of the county poor, and for the care and maintenance of the indigent sick and infirm of the county, and such proposals shall be addressed to the Clerk of the Board. The Board may annually, at its September meeting, award a contract for the care, support and maintenance of the county poor for the ensuing year to the lowest responsible bidder or bidders therefor, and may also award a contract for the care and maintenance of the indigent sick and infirm of the county for the ensuing year to the lowest responsible bidder or bidders therefor; provided, that if the lowest responsible bidder or bidders for the care, support and maintenance of the county poor shall also be the lowest responsible bidder or bidders for the care and maintenance of the indigent sick and infirm of the county, both of such contracts may be awarded to such bidder or bidders; and provided further, that if a county owns a county poor farm, with suitable buildings of sufficient size to care for the poor and indigent sick and infirm of the county, the County Commissioners of such county may employ some suitable person as superintendent of such poor farm, and the county may maintain the said poor and indigent sick and infirm at said farm at the expense of such county. Such superintendent shall at all times be under the control of and subject to the orders of the Board of County Commissioners, and may be removed by them at any time."

May award separate contracts for support and maintenance, also for care of indigent and sick.

Where county owns a suitable poor farm.

May employ Superintendent.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 51

An Act Relating to the Floating Indebtedness of Counties Outstanding at the Close of the Fiscal Year Ending June 30, 1933, and Providing for the Issuance of Bonds to Fund Indebtedness of the Levying of Special Taxes to Pay Such Floating Indebtedness.

Be it enacted by the Legislative Assembly of the State of Montana:

What Board may do with floating indebtedness as of June 30, 1933.

Section 1. The Board of County Commissioners of each county having, at the close of the fiscal year ending June 30, 1933, a floating indebtedness consisting of valid and subsisting outstanding warrants drawn against any fund or funds, or valid and subsisting debts and liabilities payable out of any fund or funds and for which debts and liabilities warrants have not been issued, or consisting of both such outstanding warrants and debts and liabilities, and being without sufficient money in any such fund or funds with which to pay the same, and leave a balance or balances sufficient to meet the expenditures from such fund or funds necessary to be made therefrom during the fiscal year beginning July 1, 1933, may provide for the payment of such floating indebtedness, or so much thereof as is in excess of the money in such fund or funds available for the payment thereof, by one of the two following methods:

May issue and sell bonds.

Election not necessary.

Cannot exceed statutory indebtedness limit.

Kind of bonds permitted.

(a) Funding the same by issuing funding bonds and selling such bonds in the manner provided by law; provided, however, that such bonds may be issued and sold without the Board of County Commissioners being required to submit the question of issuing such bonds at an election; and provided, further, that such bonds, when issued, may, with all other outstanding indebtedness of the county exceed, in the aggregate, the limit of indebtedness permitted by statute, but the total of all outstanding indebtedness of the county, including such bonds must not exceed in the aggregate, the limit of indebtedness permitted such county under Article 13 of the Constitution. Such bonds may be either amortization or serial bonds, the rate of interest thereon must not exceed six per centum per annum, and such bonds must not be issued for a longer term than ten years, and all of the laws of this state governing the issuance, sale and ex-

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change of county bonds, levying of taxes for payment of principal and interest thereof, and payment and redemption thereof, so far as applicable, shall apply to such bonds.

Levy special tax.

(b) By levying a special tax or taxes sufficient to pay such floating indebtedness with the interest thereon; provided, however, that the Board of County Commissioners may levy a special tax or taxes during the fiscal year commencing July 1, 1933, in an amount sufficient to pay the whole of such floating indebtedness, with the interest thereon, during such fiscal year, or such Board of County Commissioners may levy in each year, beginning with the fiscal year commencing July 1, 1933, a special tax or taxes in an amount sufficient to pay at least twenty per centum of such floating indebtedness with interest thereon in each fiscal year, but such special taxes must be levied in such amounts as will be sufficient to fully pay the whole of such floating indebtedness with the interest thereon before the 1st day of July, 1937.

Must be sufficient to pay out by July, 1937.

Debt reduction fund.

The proceeds of every such special tax levy shall be by the County Treasurer deposited in a special fund to be designated "Debt Reduction Fund", and shall not be used for any purpose whatever except for payment of the principal and interest of such floating indebtedness incurred prior to and outstanding on July 1, 1933; provided, that after the principal and interest of such floating indebtedness has been fully paid, any amount remaining in such special fund, or afterwards coming into the same from protested or delinquent taxes, may be transferred to the general fund of the county, or to such other county fund as the Board of County Commissioners may order.

Dispensation of a balance, if any.

When method of payment must be adopted and when payments shall be made.

The Board of County Commissioners of any county, having any such floating indebtedness, must, immediately prior to or at the time of preparing the preliminary budget for the county for the fiscal year commencing July 1, 1933, as provided in Section 3 of Chapter 148, Acts of the 21st Legislative Assembly, determine, and by resolution entered in its minutes, adopt the method to be followed in paying, retiring and redeeming such floating indebtedness as may exist at the close of the fiscal year ending June 30, 1933, and may in such pre-

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liminary budget and in the final budget for the fiscal year beginning July 1, 1933, make proper provision for the payment of such floating indebtedness in accordance with the method adopted by such Board of County Commissioners.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect on and after the first day of July, 1933.

Approved March 7, 1933.

CHAPTER 52

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to Article V of the Constitution of the State of Montana, by Adding Thereto a Section to be Known as Section 46, Providing for a State Budget and the Manner in Which Appropriations Shall be Made by the Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of Act.

Section 1. That Article V of the Constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November, 1934.

Section 2. That Article V of the Constitution of the State of Montana be, and the same is hereby amended, by adding thereto a section to be designated and known as Section 46 and to read as follows:

When budget is to be submitted.

"Section 46. Within fifteen days after the convening of the Legislative Assembly in regular session the Governor shall submit a budget for the two ensuing fiscal years. Such budget shall contain a complete plan of proposed expenditures and estimated revenues for the ensuing biennium.

What it shall contain.

It shall show in detail the revenues and expenditures for each of the two fiscal years preceding; the current assets, liabilities, reserves and surplus or

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deficit of the state; the debts and funds of the state; an estimate of the revenues which will accrue to each fund of the state during each year of the ensuing biennium, and an estimate of the state's financial condition as of the beginning and end of such biennium; any explanation or statement the Governor may desire to make as to the important features of the budget, and any suggestions or recommendations as to methods for the reduction or increase of the state revenues.

The budget shall embrace an itemized estimate of the appropriations to be made for the Legislative Assembly, which shall be certified to the Governor by the President of the Senate and Speaker of the House within five days after the convening of the Legislative Assembly; for the executive department; for the judicial department; to pay and discharge the principal and interest of the public debt; for salaries payable by the state under the Constitution and Laws of the state; for the maintenance, support and betterment of all state institutions, and for such other purposes as are set forth in the Constitution and Laws of the state, and for all other appropriations.

Budget to be delivered to both Houses, where it shall be promptly introduced.

The Governor shall deliver to the Presiding Officer of each House the budget and appropriation bill for all of the proposed appropriations of the budget, clearly itemized and classified, and the Presiding Officer of each House shall promptly cause said bill to be introduced therein, but such bill need be printed only in the House of Representatives. The Governor may, before final action thereon by the Legislative Assembly, amend or supplement the budget to correct an oversight or error, or in case of an emergency, by delivering such amendment to the Presiding Officers of both Houses and such amendment or supplement shall thereby become a part of the budget and budget bill as an addition to the items therein or as a modification of or substitute for any item or items in said budget and bill such amendment or supplement may affect. The Legislative Assembly may not alter said bill except to strike out or reduce items therein; provided, however, appropriations necessary for the payment of interest or principal of the public debt shall not be reduced or eliminated; and provided, further, that the salary or compensation of any public officer shall not be increased or decreased during his term of office.

Power of Governor to amend.

Legislature may not alter except to strike out or reduce items.

What cannot be reduced or eliminated.

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Budget to take precedence over other appropriations.

Neither House shall consider any other appropriation, except an appropriation for the immediate expense of the Legislative Assembly, until the budget appropriation bill has been finally acted upon by both houses. Every appropriation in addition to those provided for in the budget and budget appropriation bill, shall be embodied in a separate bill, which shall be designated as a supplementary appropriation bill, and shall be limited to some single work, object or purpose therein stated. No supplementary appropriation shall be valid if the balance of estimated revenues to accrue during the biennium to the fund out of which the supplementary appropriation is to be paid, after setting aside so much thereof as will be required to meet the appropriations made therefrom by the budget and budget appropriation bill, is insufficient to meet such supplementary appropriation, unless the Legislative Assembly shall provide in such supplementary appropriation bill the necessary revenue to meet and pay such appropriation by a tax, direct or indirect, to be levied and collected as directed by the Legislative Assembly. This prohibition shall not apply to appropriations to suppress insurrections, defend the state or assist in defending the United States in time of war.

Other appropriations.

Limitations.

Exceptions.

Power of Governor in making up budget.

The Governor, for the purpose of making up said budgets shall have the power, and it shall be his duty to require from all state officers, including all heads of executive and administrative departments, and institutions, bureaus, boards, commissions and agencies expending or supervising the expenditure of state moneys, and all institutions and individuals apply for state moneys and appropriations, such itemized estimates and other information as he may deem necessary and proper, in such form and at such times as he may direct.

May provide hearings.

The Governor may provide for hearings on all estimates and may require the attendance at such hearings of representatives of state departments, offices and institutions, and of other institutions and individuals applying for state appropriations.

May revise estimates.

Exceptions.

The Governor may, in his discretion, revise, change or alter any and all estimates, except those relating to the Legislative department as certified by the Presiding Officers of both Houses, those providing for payment of the principal and interest of the state debt, and for sal-

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aries and expenditures specified by the Constitution or Laws of the state.

Appropriations must not exceed revenue.

The total appropriations made and expenditures authorized by the budget and budget appropriation bill from any fund must not exceed the estimated revenues from taxes, fees and all other sources which will accrue to such fund during the biennium covered by such budget and budget appropriation bill, and any and all appropriations or expenditures authorized by the budget and budget bill in excess of the estimated revenues which will accrue to the fund, from which such appropriations or expenditures are to be made, during such biennium, shall be wholly void.

Any or all in excess are void.

No expenditure shall be made in excess of amount appropriated.

No expenditure shall be made or authorized by any officer, bureau, board, commission, institution, agency or individual, or by the head of any state department or institution, for any purpose during any fiscal year covered by the budget and budget appropriation bill in excess of the amount appropriated for such purpose by the budget appropriation bill.

Separate ballots.

How to be printed.

Section 3. That separate official ballots shall be provided at the general election to be held in November, 1934, which shall have printed thereon the words: "For the Amendment to the Constitution providing for a State Budget and the manner in which appropriations shall be made by the Legislative Assembly", and the words, "Against the Amendment to the Constitution providing for a State Budget and the manner in which appropriations shall be made by the Legislative Assembly", and the elector shall indicate his preference by marking an "X" before the proposition for which he desires to vote, and the result of the vote on said question shall be determined and declared as provided by law.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage.

Approved March 7, 1933.

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CHAPTER 53

An Act Amending Section 3670, of the Revised Codes of the State of Montana of 1921, as Amended by Chapter 59, of the Session Laws of 1927, Providing That All Sales and Purchases Made by the State Fish and Game Commission Shall be Upon Requisitions Granted by the State Purchasing Agent.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3670, of the Revised Codes of the State of Montana of 1921, as amended by Section 32, of Chapter 59, of the Session Laws of 1927, be, and the same is hereby amended to read as follows:

All state fish and game funds shall be paid over to State Treasurer.

State fish and game fund.

Court cost may be deducted in county trying case.

Funds to be applied as authorized by Game Commission subject to State Board of Examiners.

All purchases must be made through State Purchasing Agent.

"Section 3670. **State Fish and Game Fund.** All sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this state, from the appropriations, or received by the Commission from any other source, shall be turned over to the State Treasurer, and placed by him in a special fund known and designated as the "State Fish and Game Fund", provided, that out of any fines imposed by a court for the violation of this Act, the costs of prosecution shall be paid to the county where the trial was held, in any case where the fine is not imposed in addition to the costs of prosecution. Said fund is hereby exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses and expenditures of every source and kind whatsoever, authorized to be made by the State Fish and Game Commission under the terms of this Act, and said funds shall be expended for any and all such purposes, by said Commission, subject to the proper audit and allowance by the State Board of Examiners and by appropriation by the Legislative Assembly of each session; provided, however, that all equipment, printing, materials and supplies of every nature required for the administration and operation of the State Fish and Game Commission must be requisitioned for through the State Purchasing Agent, and the State Purchasing Agent shall purchase all necessary equipment, printing, materials and supplies of every nature required for the administration and operation of the State Fish and Game Commission."

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Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby specifically amended according to the provisions of this Act. Amending clause.

Section 3. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 7, 1933.

CHAPTER 54

An Act to Amend Section 2410, of the Revised Codes of Montana of 1921, Relating to the Preparing and Printing of Licenses by the County Clerk and the Furnishing of the Same to the County Treasurer, and Repealing Sections 2411, and 2412, of the Revised Codes of Montana of 1921, Relating Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2410, of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 2410. **County Clerk Shall Prepare, Print and Furnish Licenses to the County Treasurer.** The County Clerk shall prepare and have printed such blank licenses as may be required and after affixing his official seal thereto, he shall deliver same to the County Treasurer. At the time of such delivery, he shall charge the County Treasurer therewith by appropriate entry in his records showing the amount, numbers and classes of licenses so furnished. As licenses are issued and accounted for by the County Treasurer, the County Clerk shall credit such account with all licenses so issued and accounted for, so that the account will at all times show the number of licenses furnished the Treasurer, their numbers, the number issued or cancelled and the number remaining in the hands of the County Treasurer." Duty of County Clerk to furnish licenses to County Treasurer.

Section 2. That Sections 2411, and 2412, of the Revised Codes of Montana of 1921, and all Acts or parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 55

An Act Regulating the Business of Warehousing or Storing Beans and Requiring All Persons Engaged in That Business to First Procure a License and Furnish a Bond and Prescribing Penalties for a Violation of the Act and Prescribing the Powers and Duties of the Commissioner of Agriculture.

Be it enacted by the Legislative Assembly of the State of Montana:

All persons storing or warehousing beans must procure a license.

Section 1. That all persons engaged in the business of warehousing or storing beans or receiving or soliciting beans for storage either within or without the State of Montana not already licensed under the Public Warehousing Act shall, before engaging in such business, procure a license from the Commissioner of Agriculture of the State of Montana and shall pay a license fee to the State Treasurer of Montana in the sum of Fifteen Dollars ($15.00). Said license shall be renewed annually and the said fee prescribed shall be paid annually on the first day of July of each year.

Power of Commissioner of Agriculture.

Section 2. The Commissioner of Agriculture may prescribe forms for application for such license and may require from the applicant such facts and information as he may determine and as may seem appropriate to carry out the purpose of this Act. The applicant must satisfy the Commissioner of Agriculture as to his qualifications for license. fications, financial ability, storage facilities, warehouse and experience to carry on the business of warehousing and storing beans and upon furnishing evidence thereof satisfactory to the Commissioner he may be granted a license.

Must obtain a bond.

Section 3. Every person applying for a license to engage in such business of warehousing or storing beans in accordance with this Act, shall, as a condition to the granting thereof, execute and file with the Commissioner of Agriculture a good and sufficient bond to the State of Montana, executed by a responsible surety company licensed to do business in this state, to be approved by the Commissioner of Agriculture, conditioned upon the faithful performance of his obligations as a warehouseman under the laws of this state and as prescribed by this Act and of such additional obligations as may be assumed by him under contract with respective deposit-

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ors of beans with him. The bond shall be in such amount as may be fixed by the Commissioner of Agriculture. The Commissioner of Agriculture may from time to time require additional bond under penalty of revoking the license. Said bond shall otherwise be in such form and shall contain such additional conditions as the Commissioner of Agriculture may prescribe to carry out the purposes of this Act, and may, in the discretion of the Commissioner of Agriculture, include the requirements of fire insurance.

Amount.

May require fire insurance.

Section 4. Any person injured by the breach of any obligation to secure which a bond is given, as in this Act provided, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach, or, where more than one person has so been injured, the action may be brought in the name of the State of Montana on behalf of all such injured persons.

Persons injured may sue in own name on bond.

Proviso where several persons.

Section 5. The Commissioner of Agriculture shall charge, assess and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this Act, to be paid to the State Treasurer, provided that such fee shall not exceed $5.00 per annum.

Inspection fee.

Section 6. The Commissioner of Agriculture shall prescribe such rules and regulations as he may deem necessary for the safe conduct of the business referred to in this Act and to that end may, if he deems it necessary, require reports from any warehouseman or person receiving stored beans on blanks or forms that may be prepared by the Commissioner.

Commissioner may prescribe rules and regulations.

Section 7. The storage of beans under the terms of this Act shall constitute a bailment and every licensee hereunder shall keep the beans of one depositor so far separate from the beans of other depositors for which a separate receipt has been issued, as to permit at all times identification and redelivery of the beans deposited; and upon the return of the warehouse receipt properly endorsed, and upon payment or tender of all advances and legal charges, the holder of such warehouse receipt shall be entitled to, and it shall be compulsory for the warehouseman to deliver, the identical beans so placed in storage. And it shall be unlawful and con-

Considered as bailment.

Must keep beans of each depositor separate.

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Removal constitutes conversion without consent.

stitute a conversion for any warehouseman under the provisions of this Act to remove any beans deposited with him for storage from the State of Montana or to remove them from the warehouse where they have been first stored and upon which a warehouse receipt has been issued without the written consent of the holder of the warehouse receipt or the written authority first obtained from the Commissioner of Agriculture.

Beans shall be graded.

Section 8. All beans accepted for storage shall first be graded according to the standards of the U. S. Department of Agriculture and the grade so established shall be noted and specified upon the warehouse receipt issued for such beans.

Must keep records.

Section 9. Every warehouseman or person operating under this Act shall keep in a place of safety complete and correct records of all beans stored by him and all beans withdrawn from storage, of all warehouse receipts issued by him, and of the receipts returned to and cancelled by him, and shall make such reports to the Commissioner of Agriculture concerning such matters as may by the Commissioner of Agriculture be required by rules and regulations established by him.

Penalty for violation.

Section 10. Any person who shall engage in or carry on any business or occupation for which a license is required by this Act without first having procured a license therefor or who shall continue to engage in or carry on any such business or occupation after such license has been revoked or has expired shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) and each and every day that such business or occupation is so carried on or engaged in shall be a separate offense. Any person who shall otherwise violate any of the provisions of this Act or shall by any manner or means convert to his own use or that of another any beans so stored or accepted for storage shall, if the value of such converted beans exceeds Five Hundred Dollars ($500.00), be deemed guilty of a felony, and if the value is less than Five Hundred Dollars ($500.00), be deemed guilty of a misdemeanor, and in either case, upon conviction, shall be punished by fine or imprisonment or both as otherwise provided by law.

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Provisions of Uniform Warehouse Act applies when not in conflict.

Section 11. The provisions of the Uniform Warehouse Receipts Act, Sections 4079 to 4138, as amended, insofar as they are not in conflict herewith, shall be applicable to all transactions hereunder.

Section 12. The provisions of this Act shall be administered by the Commissioner of Agriculture of the State of Montana.

Saving clause.

Section 13. If any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 14. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 15. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 56

An Act to Amend Sections 2, 12, 13, 17, 19, and 20, of Chapter 109, of the Session Laws of the Twenty-second Legislative Assembly of Montana, and the Enactment of an Additional Section Thereto, to be Known as Section 24 of Said Act, the Same Being an Act Providing for the Adoption of the Managerial Form of County Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2, of Chapter 109, of the Session Laws of the Twenty-second Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

Method of adoption of county manager form of government.

"Section 2. **Method of Adoption.** (a) Upon a petition filed with the Board of County Commissioners signed by not less than 20 per cent. of the whole number of

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voters who voted at the last general election asking that a referendum be held on the question of adopting the county manager form of government, it shall be the duty of the Board of County Commissioners to submit the question at the next regular election or call a special election for the purpose. If a special election is called it shall be held not more than ninety days nor less than sixty days from the filing of the petition, but not within thirty days of any general election. The question submitted shall be worded: "Shall the county manager form of government be adopted in.....county?"

Form.

(b) It shall be the duty of the Board of County Commissioners to publish a notice of the referendum in a daily paper twice a week for a period of three consecutive weeks, or in case there is no daily paper of wide circulation in the county, then in a weekly paper for four consecutive weeks.

Duty to give notice.

(c) If a majority of the votes cast on the question at the election shall be in favor of the county manager form of government it shall go into effect at a date designated in the petition or resolution. Provided: That no elected official then in office, whose position will no longer be filled by popular election, shall be retired prior to the expiration of his term of office, but that from and after the establishment of such form of government, his duties shall be such duties as are assigned to him by the County Manager."

When to go into effect.

Proviso for elected officials.

Section 2. That Section 12, of Chapter 109, of the Session Laws of the Twenty-second Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

"Section 12. **Administrative Activities.** (a) The County Manager shall be responsible to the County Board for the administration of the following activities, unless otherwise authorized by the County Board or directed by laws:

Duties and responsibilities of County Manager.

1. The assessment of property for taxation and the preparation of the tax roll;

2. The collection of taxes, license fees, and other revenues of the county and its subdivisions;

3. The custody and accounting of all public funds belonging to or handled by the county;

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4. The purchase of all supplies for the county except those specifically excepted in this Act;

5. The care of all county buildings;

6. The care and custody of all the personal property of the county;

7. The recording of deeds, mortgages and other instruments, and the entry and preservation of such other public records as the law requires;

8. The construction and maintenance of county highways and bridges;

9. The employment of prisoners;

10. The care of the poor; the operation of county charitable and correctional institutions, and the other welfare activities;

11. Public health work and the operation of the county hospitals;

12. Any or all matters of property and business in connection with the administration of schools and other governmental units within the county which shall be delegated to him by these units with the approval of the County Board;

13. Such other activities of the county as are not specifically assigned to some other officers or agency by this Act or by laws of the state subsequently enacted.

Departments under system.

(b) These activities shall be distributed among the departments hereinafter described. There shall be a department of finance; a department of public works; a department of public welfare; and the County Board may, upon recommendation of the County Manager, establish additional departments. Any activity which is unassigned by this Act shall be assigned by the County Board to an appropriate department, and any activity so assigned may, upon the recommendation of the County Manager, be transferred by the Board to another department.

Manager to appoint directors.

(c) The Manager shall appoint a Director for each department provided for or authorized by this section, and he may, with the consent of the County Board, act as the Director of one or more departments himself, or

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Other employees.

appoint one Director for two or more departments. The subordinate officers and employees of each department shall be appointed or employed by the Manager, unless he chooses to delegate this power in particular instances to a subordinate officer."

Section 3. That Section 13, of Chapter 109, of the Session Laws of the Twenty-second Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

Compensation for officers and employees.

"Section 13. **Compensation Established by County Board.** The County Board shall establish a schedule of compensation for officers and employees which shall provide uniform compensation for like service, and such compensation shall be commensurate with and comparable to the compensation for a like service in commercial business. Such schedule of compensation may establish a minimum and maximum for any class, and an increase in compensation, with the limits provided for by any class, may be granted at any time by the County Manager or other appointing authority upon the basis of efficiency and seniority records. None of the provisions of the laws of this state with regard to the appointment or compensation of deputy county officers shall apply hereto."

Laws of state relating to deputies does not apply.

Section 4. That Section 17, of Chapter 109, of the Session Laws of the Twenty-second Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

Dept. of Public Works.

"Section 17. **Department of Public Works.** The Director of Public Works shall have charge of the construction and maintenance of county roads and bridges, county drains and all other public works; the construction and care of public buildings; store rooms and warehouses and such equipment and supplies as the County Board may authorize; and shall perform such other duties as the County Board may prescribe."

Section 5. That Section 19, of Chapter 109, of the Session Laws of the Twenty-second Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

Parties affected by Act.

"Section 19. All county officers, deputies and other employees, excepting the County Attorney and the

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County Commissioners, who are to be regularly elected, and the County Manager, who is to be appointed by the County Commissioners, shall come under the general provisions of this Act and be appointed by the County Manager as in this Act provided; that such officers shall prepare, and submit an annual budget for their respective offices in the manner now required by law to the County Manager, which shall be included in the budget required under Section 15 of this Act, and that all claims for salaries and other expenses of these offices shall be audited and allowed or rejected in the same manner as other claims."

Officer shall submit budget.

Section 6. That Section 20, of Chapter 109, of the Session Laws of the Twenty-second Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

"Section 20. The County Manager shall give bond to the amount of not less than Fifteen Thousand Dollars; the Director of Finance shall give bond to the amount of Twenty-five Thousand Dollars; in case the County Manager serves also as Director of Finance, he shall give bond to the full amounts indicated above. The County Board shall have the power to fix bonds in excess of these amounts and to require bonds of other county officers in their discretion, conditioned on the faithful discharge of their duties and the proper accounting for all funds coming into their possession."

Bonds required.

Section 7. That an additional section to said Chapter 109, of the Session Laws of the Twenty-second Legislative Assembly of Montana, be added as follows:

"Section 24. **The Recall of County Commissioners.** One or more County Commissioners may be removed by the electors qualified to vote for a successor of such incumbent. A petition of fifty-one per cent. of all qualified electors registered for the last general election, demanding the election of a successor to the person sought to be removed, shall be filed with the Director of Finance of the county, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not be appended to one paper, but each signer shall add to his signature, his place of residence; one of the signers shall

How County Commissioners may be recalled.

Petition.

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make oath before an officer, competent to administer oaths, that the statements therein are true, as he believes and that each signature to the paper appended is the genuine signature of the person it purports to be. On the filing of a sufficient petition, the Director of Finance shall order and fix a date for holding said election, not less than seventy days nor more than eighty days from the date of filing of such petition. The Director of Finance shall cause to be made publication of notice and all arrangements for holding of such election and the same shall be conducted and returned and the results thereof declared, in all respects and in the same manner as any other election. Nominations hereunder shall be made by filing with the Director of Finance, at least thirty days prior to such special election, a statement of candidacy, accompanied by a petition signed by electors entitled to vote at such special election, equal in number to at least ten per cent. of the entire number of persons registered to vote at the last preceding general election. The ballot for such special election shall be in substantially the following form:

Election.

Notice.

Nominations.

Form of ballot.

'OFFICIAL BALLOT

Special election for the balance of the unexpired term of

..... for .....

(Vote for one only)

(Name of Candidate)

(Name of Present Incumbent)

(Official Ballot Attest)

Signature.....

Director of Finance.'

Term.

Commissioner may be a candidate to succeed himself.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself and unless he requests otherwise in writing, the Director of Finance shall place his name on the official ballot without nomination. In case of any such removal election, the candidate or candidates receiving the highest number of votes shall be declared elected. If the incumbent is not re-elected, he thereupon shall be deemed removed from the office, upon the qualification of his successor. If the incumbent receives the highest number of votes, or in case of a removal election

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for more than one Commissioner, he or they receiving a sufficient number of votes so that his or their vote is the highest number for said office or offices of Commissioner, he or they shall continue in office. The said method of removal shall be cumulative and additional to the methods herein provided by law."

Repealing clause.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 57

An Act to Amend Section 1, and Section 4, of Chapter 119, of the Laws of Montana of 1931, Providing for the Creation, Size, Location, Boundaries and Procedure for the Establishment of a Horse Herd District, from Which Area, Horses are Barred from Running at Large; Providing a Penalty for Horses Running at Large Within Said District; Providing the Person, Owner or Person in Control of Such Horse or Horses Shall be Liable for All Damages Sustained Thereby; and Providing for the Impounding and Disposition of Said Horse or Horses; and Providing for the Dissolution of Such Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1, of Chapter 119, of the Laws of Montana of 1931, be, and the same is hereby amended to read as follows:

"Section 1. Horse herd district may be created in any county in the State of Montana to contain twelve square miles or more lying not less than one mile in width outside of incorporated cities or town, upon the petition of owners or possessors of fifty-five per centum of the land of such district, and such petition shall designate the months of the year when horse herd district regulations are effective and upon presentation and filing of a petition properly signed and reciting the outside

Size and location.

Petition for creation of district.

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boundaries and description of the proposed district, together with the postoffice address of the signers thereof, with the Clerk and Recorder in the county in which the said district is being created; the County Commissioners of such county upon receipt thereof shall set a date for hearing protests and verification of signatures thereto, and shall give not less than twenty days' notice of the same by three publications in a newspaper of general circulation in the county of the proposed district, and should it appear to such County Commissioners, after such hearing, that the signatures attached to such petition were genuine, they shall immediately make an order declaring such horse herd district created and established; after which the County Commissioners must give notice by two weekly publications in some newspaper in the county, nearest the district, stating the period when such horse herd district will be in effect and when such district shall not be in effect; providing such order shall not be effective until thirty days have expired after the order; provided that such herd districts may be abolished at any time upon proceedings as hereinbefore set forth for the establishment of such herd district, the estimated expense of all publications required by this Act shall be paid by the petitioners, and no part thereof shall be paid by the county.

Notice.

How abolished.

Upon petition of any owner or possessor of land lying contiguous and adjoining any herd district heretofore created, and upon like hearing and notice as hereinabove provided for, such lands shall be included in such herd district and become a part thereof.

Adjoining lands may petition to be included.

Should the signature of a lessee appear on the petition creating or abolishing any herd district, the owner or owners of said land may appear either in person or by agent and enter their protest, and the Board of County Commissioners shall remove the name of lessee from said petition, and no person shall be permitted to withdraw his name after the hour set for hearing same."

Owner may remove name of lessee.

Section 2. That Section 4, of Chapter 119, of the Laws of Montana of 1931, be, and the same is hereby amended to read as follows:

"Section 4. The owner or occupant of the land upon which such wrongful entry is made may take into his possession such horse or horses, and shall reasonably

May take horses and retain for damages and charges for care.

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care for the same while in his possession, and may retain possession of said horse or horses, and shall have a lien and claim thereon as security for payment of such damages and reasonable charges for the care of said horse or horses while in his possession. The person taking up said horse or horses shall within forty-eight hours after taking possession thereof notify said owner, owners or persons in charge thereof by a notice in writing, describing said horse or horses taken up, including marks and brands, if any, the amount of damages claimed, and the charge per head per day for caring for and feeding the same, and describing, either by legal sub-divisions or other general description, the location of the premises upon which said horse or horses are held, and requiring him within forty-eight hours after receiving said notice to take the said horse or horses away after making full payment for all damages and costs of said horse or horses. Such notice shall be given by personal service on the said owner, owners or person in charge thereof, or by leaving said notice at his usual place of residence with some member of his family over the age of fourteen years, or by sending said notice by prepaid registered mail addressed to his last known place of residence. Said service by registered mail shall be deemed complete upon the deposit of the notice in the postoffice. Upon demand, the owner or occupant of the land shall release and deliver possession of such horse or horses to the owner or person entitled thereto upon payment of damages and charges, but said payment of damages and charges shall not act as a bar to the prosecution of said person, owner, or person in control of such horse or horses, as hereinbefore provided. If the owner or claimant of such horse or horses is not known to the person taking up such horse or horses, or the said owner or claimant shall refuse to pay the amount of damages and charges as herein provided, the said person taking up such horse or horses shall within seventy-two hours, from the time said horse or horses were so taken up, deliver to the Sheriff or a Constable of the county in which the horse or horses were so taken up, a statement containing the information required to be given in the notice hereinbefore set out, and in addition thereto, he shall mail by prepaid registered mail a copy of said statement addressed to the nearest State Livestock Inspector. Upon

Notice to owner.

Notice by personal service or registered mail.

When land owner shall release.

Remedy where owner not known or where owner refuses to pay damages.

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Sheriff may sell.

receipt of such statement, the Sheriff or Constable shall proceed to advertise and sell at public auction the horse or horses so taken up. That prior to such sale the Sheriff

Horse classification.

shall have said horses classified as follows:

Value not to exceed $10.00.

Class One shall include (a) horses not bearing a registered brand and which in the opinion of the Stock Inspector are of a value not to exceed Ten Dollars per head, and (b) horses bearing a registered brand, but which the owner has failed to redeem as herein provided, after notice given, and which in the opinion of the Stock Inspector are of a value not to exceed Ten Dollars per head.

Value in excess of $10.00.

Class Two shall include horses bearing registered brands and which in the opinion of the Stock Inspector are of a value in excess of Ten Dollars per head.

Horses in Class One shall be sold on ten days' notice posted at the court house of each county in which any portion of the district lays, and posted in three other public places in such county, one of which shall be in that portion of the district including in the county.

Notice, class two.

Horses in Class Two shall be sold on notice posted for twenty-one (21) days, and otherwise as notices are required to be posted for the sale of horses in Class One, and such notice shall likewise be published once a week for two successive weeks before said sale in some newspaper published in the county seat of each county including any part of said district, if there be such newspaper, and if there be no newspaper published in any county comprising a part of such district, then such notice shall be published in any newspaper of general circulation in the county or counties including such district. The notice required to be published for the sale of horses in Class Two shall describe each horse to be sold, giving the approximate age, description and brands, if any. The proceeds of the sale shall be applied by the Sheriff to the discharge of the claim and the costs of the proceedings in selling the property and enforcing the claim, and the remainder, if any, shall be deposited with the County Treasurer who shall keep the same in a special fund to be designated as the "Horse Herd District Fund" (giving number of district if more than one). A separate fund, styled as above specified, shall be kept by the

Description.

Application of proceeds.

Horse herd district fund.

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County Treasurer for each of said districts created in his county. The County Treasurer shall make a record of the description of each horse, the amount received for same, and the amount of deductions, which record shall be open to public inspection; and any person making claim to the Board of County Commissioners at any time within one year from the date of sale, of ownership of such horse, and submitting proof of ownership to such Board with such claim, to the satisfaction of such Board, shall be entitled to receive such excess received from the sale of such horse. Any money received from the sale of any such horse which shall not be so claimed within one year after such sale, shall at the expiration of said period be transferred to the general fund of the county.

Record required.

Balance may be used to satisfy claims.

Balance to general fund of county.

The term "horses" when used in this chapter shall include any mare, gelding, stallion, colt, foal, filly, mule, jack and jenny."

Definition of term horse.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 7, 1933.

CHAPTER 58

An Act to Provide Funds for the Maintenance of a Lighting System in Rural Improvement Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. When there has been, or shall be, created a Rural Improvement District, according to the provisions of Part Four (4), Chapter Seventeen (17), of the Political Codes of Montana, 1921, and amendments thereof, for the purpose of securing a lighting system for the territory embraced in such Rural Improvement District, and no expense of construction is incurred by such Rural Improvement District in the installation of such lighting system, and it is necessary only to secure funds for the maintenance and operation of said system, and

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When Board may contract to furnish light to their rural districts.

lights for said territory can best be secured by entering a contract for such lighting with some other person or corporation, the Board of County Commissioners of such county may enter into a contract with other persons or corporation for the purpose of furnishing light to said Rural Improvement District. The cost of said service to said Rural Improvement District may be apportioned among the various tracts of land within said Improvement District in proportion to the assessed value of said lands as determined by the said Board of County Commissioners, and before the first Monday of September of each year, the Board of County Commissioners shall pass, and finally adopt, a resolution levying and assessing all the property within the district, an amount equal to the whole cost of maintaining said lighting system, and the same shall be proportioned against the several tracts of land in said district as provided herein. Said resolution levying assessments to defray the cost of maintenance shall be prepared and certified to in the manner as near as may be to a resolution levying assessments for making, constructing, and installing the improvements in said Special Improvement Districts, and the money collected therefor, shall be paid into a fund known as Special Improvement District No..... Maintenance Fund, the number of which shall correspond with the number of the Special Improvement District in which the improvements so maintained are situated, and such funds shall be used to defray the expense of maintenance of said system, and for no other purpose. Any such assessment levied and made for any purpose in this section mentioned, together with all cost and penalties, shall constitute a lien upon and against the property upon which said assessments are made and levied from and after the date of the final passage and adoption of the resolution levying the same, which lien can be only extinguished by payment of such assessments, with all penalties, costs and interest.

Apportionment of costs.

Where money shall be paid.

Assessment shall constitute lien on property assessed.

Power to change boundaries.

Section 2. The Board have the power not more than once a year of changing, by resolution, the boundaries of any maintenance district. Provisions of this Act shall only apply to the method of securing funds for the maintenance of Rural Improvement Districts for lighting systems.

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Section 3. This Act shall be in full force and effect immediately after its passage and approval.

Approved March 7, 1933.

CHAPTER 59

An Act to Amend Section 4922, Revised Codes of Montana, 1921, Relating to the Fees of County Coroners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4922, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

"Section 4922. **Fees of Coroner.** The Coroner is entitled to receive and collect for his own use the following fees: Fees of Coroner.

For each day engaged in holding an inquest, Five Dollars, provided, that when two or more inquests are held on the same day a fee for only one day shall be charged;

For subpoenaing each witness, including copy of subpoena, Thirty Cents;

For summoning each juror, including copy of summons, Thirty Cents;

For each oath administered, Five Cents;

For making transcript of testimony, per folio, Fifteen Cents;

For each mile actually traveled in the performance of any duty, Seven Cents;

For filing papers, each, Five Cents;

The total amount of fees allowed by the Board of County Commissioners to a Coroner, except when acting as Sheriff, must not exceed Twenty-one Hundred Dollars in any one year, including compensation paid all clerks, stenographers and other clerical assistants employed by him, provided the Coroner in a county having a population of 50,000 or more shall receive a salary of $3300 per year and mileage as above provided and all clerical and Maximum amount of fees allowed. Counties having a population of 50,000 or more.

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stenographic help shall be included in such salary. Said population to be based on the United States Census of 1930.

Other fee arrangements.

A Justice of the Peace, acting as Coroner, is allowed the same fees as the Coroner, and no more.

If acting as Sheriff, the Coroner is allowed the same fees as Sheriff or Constable for like services."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after the 31st., day of March, 1933.

Approved March 7, 1933.

CHAPTER 60

An Act to Provide for the Dissolution of Irrigation Districts, Sale of Assets and Payment of Indebtedness.

Be it enacted by the Legislative Assembly of the State of Montana:

Dissolution of irrigation district.

Section 1. Any irrigation district organized and existing under the Laws of the State of Montana may be dissolved by an order of the District Court of the county in which the lands or the greater portion of lands of the district are situated; provided, that in case a district has incurred bonded indebtedness, it shall be necessary, in order that the District Court may acquire jurisdiction to enter an order dissolving the district, that a petition be filed with the Clerk of said District Court; this petition shall be signed by an equal number of holders of title or evidence of title as are required to sign the original petition for the creation of the district and must also be signed by a sufficient number of the bond holders of the district or by their assignees or duly authorized agents, representing at least eighty percent. of the outstanding bonds of said district.

How dissolved when it has bonded indebtedness.

Petition.

What shall be contained in petition.

Section 2. Said petition shall set forth the amount of the outstanding bonds, coupons and other indebtedness, if such there be, together with the general description of the same, showing the amount of each descrip-

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tion of indebtedness and the ownership, so far as known, of the same. Said petition shall also state the assets of said district, including irrigation system, if any, dams, reservoirs, canals, franchises, water rights and other property; and in case any proposition has been made by the holders of said indebtedness to settle the same, said proposition, together with any plan proposed to carry the same into execution, shall be included in said petition.

Power to organize a corporation to carry out scheme.

Section 3. In carrying out such plan and proposition, a corporation may be organized under the general laws for the purpose of acquiring the assets of said district, including the irrigation system, if any, dams, reservoirs, canals, franchises, water rights and other property, which corporation shall have all the powers, rights and franchises of corporate bodies organized under general laws, and in addition shall have such further power as may be necessary to possess and carry on said irrigation system and exercise such franchise and water rights.

Order and notice of hearing.

Section 4. The District Court must make an order for the hearing of the petition for the dissolution of the district within thirty days from its filing and the Clerk of the Court must give due notice of the hearing of said petition by posting three notices in three public places in said district, and by publication of a notice of the hearing for two successive weeks in a newspaper of general circulation published in the county, and by mailing notice of said hearing to all known bondholders of the district. Upon the hearing of said petition any person interested may appear and give evidence for or against the granting of said petition.

Action by court on hearing.

Section 5. At the hearing by said Court it shall determine the regularity, legality and correctness of all proceedings, and in so doing shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this Act are made applicable to the proceedings herein provided. The proceedings herein are declared to be for the general interest of the public and state. The hearing upon said petition shall be considered as an equitable action in rem. If the Court shall consider, after hearing, that the plan proposed in the

General interest of public and state tantamount.

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petition, is not in the public interest and will not promote public welfare or is unfair to bondholders or property holders or general creditors it may allow the petitioners to amend their petition and to submit a modified or different plan and hear the said amended petition and hear and dispose of objections to the same. The judgment may dissolve the district as a public corporation, transfer water rights appurtenant to lands, whether represented by shares of stock or otherwise, and divest the lien of bonds upon lands in the district.

May submit a modified or different plan when.

Authority of court in decree.

Section 6. The Court, in its decree, shall have the power to make the orders necessary to carry out said proposition for the discharge of the indebtedness and distribution of the property of said district and may decree a sale of its assets in such manner as may effectuate said proposition and as the Court may judge best, either in one lot or in such parcels as may be provided and may provide for conveyance of said irrigation system, including dams, reservoirs, canals, franchises, water rights and other property and also of any other assets of the district including lands sold thereto. The Court, in its investigation and determination of said matter, may take into consideration the fact that payments have been made by certain of the water users in excess of other water users who have defaulted. In its decree the Court may require that the purchaser of the assets may give consideration to various water users for payments theretofore made by them on the irrigation system.

Sale permitted.

Look to equity of water users.

Final decree.

Section 7. Whenever all the property of such irrigation district shall have been disposed of and all the obligations thereof, if any there be, shall have been discharged, the Court shall enter a final decree declaring said district to be dissolved.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 61

An Act to Amend Sections 567 and 568, of the Revised Codes of Montana of 1921, Relating to the Registration of Electors, and to the Printing and Posting of Lists of Registered Electors, and the Preparation by the County Clerk of Poll-Books.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 567, of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

"Section 567. **Printing and Posting Lists of Registered Electors.** The County Clerk shall, at least 15 days preceding any municipal primary nominating election in towns and cities, and at least thirty days preceding any other election, cause to be printed and posted a list of all electors entitled to be registered as shown by the official register of the county, and who are on the precinct registers as entitled to vote in the several precincts of such county, city or town, or school district of the first class, provided, that if the City Clerk of any city or town shall, in writing, certify to the County Clerk, not less than twenty-five days before the date fixed by law for the holding of any primary nominating election, that no petitions for nomination under the direct primary election law for any office to be filled at the next ensuing annual city election have been filed with such City or Town Clerk, not less than thirty days before the date fixed by law for the holding of the primary nominating election, then the County Clerk shall not cause to be printed or posted such list of registered electors for such city or town. Such printed list of registered electors shall contain the name of the elector in full, together with his residence, giving the number and street, or the name of the house, or the section, township and range, as shown by the official register card of the elector, and the registry number. The expense of printing said list shall be paid by said county, city or town, or school district, in which the election is to be held. The County Clerk shall cause to be posted, not less than fifteen days before any municipal, primary nominating election, and not less than thirty days before any other election, as in

Duty of County Clerk as to printing and posting of lists of electors.

Proviso where no petitions for nomination.

What list should contain.

By whom paid.

Posting lists.

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this Act provided for, at least five copies of such printed registry list in at least five conspicuous places within said precinct, a copy of the list of registered voters herein provided for, and shall retain sufficient number of said printed lists of registered voters in his office as may be necessary for the convenience of the public. He shall furnish to any qualified elector of any county, city or town or school district applying therefor a copy of the same, provided, that where the list herein provided for has been printed and posted for any primary election, the same may be used for the election proper, following a posting in connection therewith, at the time provided for in this section, a supplemental list giving the names of electors who may have registered after the first list was prepared."

Shall furnish list to any qualified voter.

Supplemental list.

Section 2. That Section 568, of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

"Section 568. **Poll-Book — Precincts Including More Than One County.** During the time intervening between the closing of the official register and the day of the ensuing election, the County Clerk shall prepare for each precinct a book to be known as the "Poll-Book" which shall be for the use of the Clerks and Judges of Election in each such precinct. Such books shall be arranged for the listing of the names of the electors in alphabetical divisions, each division to be composed of ruled columns with appropriate headings, under which the information contained upon the registry card of each elector shall be transcribed, excepting the oath of the elector, and the certified copy of the poll-books so prepared shall be delivered to the Judges of the Election at or prior to the opening of the polls in each precinct. Where the precincts in municipal elections, or in elections in school districts of the first class, include more than one county precinct, the County Clerk shall combine into one poll-book the names of all electors in the several precinct registers of the precincts of which such municipal or school district precinct is composed. The County Clerk shall omit from the list of names of all certified voters so inserted in the poll-book herein provided for, the names and registry of all electors which it is the duty of the County Clerk to cancel under the

Poll book.

Preparation.

What to contain.

May combine.

Omit those who should be cancelled under Sec. 570.

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provisions of Section 570, provided that the requirements contained in the provisions of said section shall have been brought to the attention of the County Clerk not less than twenty days preceding the election. If the City Clerk of any city or town shall, in writing, certify to the County Clerk, not less than twenty-five days before the date fixed by law for the holding of any primary nominating election, that no petitions for nomination under the direct primary election law for any office to be filled at the next ensuing annual city election have been filed with such City Clerk, not less than thirty days before the date fixed by law for the holding of the primary nominating election, then the County Clerk shall not prepare for the city any poll-book or poll-books for that year.''

Proviso where no nominating petitions.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 62

An Act to Amend Section 634, Revised Codes of Montana, 1921, Relating to the Nomination of Party Candidates by Direct Vote.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 634, of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

''Section 634. **Application of Law to Cities and Towns.** The nomination of candidates for municipal offices by the political parties, subject to the provisions of this law, shall be governed by this law in all incorporated towns and cities of this state having a population of thirty-five hundred and upward as shown by the last preceding national or state census. All petitions by the members of such political parties for placing the names of candidates for nomination for such municipal offices on the primary nominating ballots of the several political parties shall be filed with the City Clerk of said several

What towns and cities are affected.

File petitions.

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towns and cities, and it shall be the duty of such officers to prepare and issue notices of election for such primary nominating elections in like manner as the several County Clerks perform similar duties for nomination by such political parties for county offices at primary nominating elections. The duties imposed by this law on the County Clerks at primary nominating elections are hereby, as to said towns and cities, designated to be the duties of the City Clerk of said towns and cities as to primary nominating elections of the political parties, subject to the provisions of this law, provided, that in cities and towns the primary nominating election shall be held on the fourteenth day preceding their municipal elections. If no petitions for nomination under this law for any office to be filled at the next ensuing annual city election is filed with the City Clerk of any city, not less than 30 days before the date fixed by law for the holding of a primary nominating election, then there shall be no primary election held within such city, and the City Clerk shall, not less than twenty-five days before the date fixed for the holding of the primary nominating election, certify to the County Clerk of the county in which such city or town is situated that no petition for nomination under the direct primary election law for any office to be filled at the next ensuing annual election has been filed with such City Clerk within the time provided by law. Under the provisions of this law the lawfully constituted legislative and executive authorities of cities and town, within the provisions of this section, shall have such power and authority over the establishing of municipal voting precincts and wards, municipal boards of judges and clerks of election and other officers of their said municipal election, and other matters pertaining to municipal primary nominating elections required for such cities and towns by this law, such legislative and executive authorities have over the same matter at their municipal elections for choosing the public officers of said cities and towns."

Prepare notice.

Means used.

Date.

When election shall not be held.

Power under Act.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 63

An Act to Amend Section 5792, of the Revised Codes of Montana, 1921, Relating to Separate Property of Wife.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5792, of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 5792. **Separate Property of Wife.** All the property of the wife owned before her marriage and that acquired afterwards is her separate property. The wife may, without consent, agreement and signature of her husband, convey and transfer her separate property, real or personal, including the fee simple title to real property or execute a power of attorney for the conveyance and transfer thereof."

Separate property of wife.

Powers.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 64

An Act to Amend Section 4980, of the Revised Codes of the State of Montana of 1921, Relating to the Making and Recording of Plats or Additions of Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4980, of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 4980. Any person, company, or corporation, who may lay out any city or town, or any addition to any city or town, or any tract of land within the limits of any city or town, or townsite, or transfer any lots,

When it is necessary to survey and plat and record same.

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blocks, or tracts therein, must cause to be made an accurate survey and plat thereof, and cause the same to be recorded in the office of the County Clerk and Recorder of the county in which such land lies.''

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 65

An Act Providing for the Sale, Leasing, Exchanging, and for Quieting Title to Lands Acquired by Any County by Tax Deed.

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of Commissioners to order sale of land acquired by tax deed.

Section 1. Whenever the county shall acquire any land by tax deed, it shall be the duty of the Board of County Commissioners, within six months after acquiring title, to make and enter an order for the sale of such lands at public auction at the front door of the court house, provided, however, that thirty days' notice of such sale shall be given by publication in a newspaper printed in the county, such notice to be published once a week for three successive weeks, and by posting notice of such sale in at least three public places in the county.

Notice.

Notice posted and published shall be signed by the County Clerk and one notice may include a list of all lands to be offered for sale at one time. It shall describe the lands to be sold, the appraised value of same and the time and place of sale, and no sale shall be made for a price less than the fair market value thereof, as determined and fixed by the Board of County Commissioners prior to making the order of sale, which value shall be stated in the notice of sale. And it shall be the duty of the Board of County Commissioners to so appraise, order and advertise for sale all lands heretofore conveyed to the county by tax deeds within ninety days from and after this Act takes effect.

Proviso as to land now held.

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In the event any of said lands are not sold at such public sale, the County Commissioners may at any time either again appraise, advertise and offer the same at public auction or sell the same at private sale at the best price obtainable, but at not less than ninety per cent of the last appraised value, and on such terms as may be agreed upon, provided the rate of interest on deferred payments shall not exceed four per cent per annum, and provided further that the terms other than price, as to each class of land, grazing, farming and irrigated, shall be uniform in each county.

Disposal of land not sold at public auction.

Terms shall be uniform as to each class.

If a sale is made on terms, the Chairman of the Board of County Commissioners shall execute a contract in behalf of the county, and upon the payment of the full purchase price, together with all interest and taxes, the Chairman of the Board of County Commissioners shall execute a deed to the purchaser, or his assignee conveying the title of the county in and to the lands so sold.

Sale on terms.

On the first Monday in March following the execution of such contract, the lands shall be subject to taxation in the name of the purchaser, or his assignee, and in the event the taxes are not paid, and the same become delinquent, said contract shall stand cancelled and all payments theretofore made shall be taken, treated and regarded as rent for said property.

Taxation of lands sold.

Whenever any of such lands have been offered for sale at public auction and not sold, the County Commissioners may, if deemed for the best interest of the county, lease said lands upon the best terms obtainable, provided that such lease shall not extend over a period longer than five years, except of lands to be or within a legally created grazing district, when such lease may run for a period of not to exceed ten years.

Power to lease.

Term.

The County Commissioners may also, after any of said lands have been offered for sale and not sold, when it is deemed for the best interests of the county, exchange said lands for other lands of equal value where the effect of such exchange would be to acquire land which could be leased or sold to better advantage.

Power to exchange lands.

Section 2. All moneys received from the sale or leasing of any such lands, or of any lands received in exchange, shall be paid into the county treasury and shall

Disposition of money from sale or lease.

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be credited to each fund as the same would have been credited had the moneys so received been paid as taxes upon said land acquired by the county by tax deed, or upon the lands exchanged, and any surplus after paying all taxes with interest and penalties shall belong to the county.

May sell exchanged lands.

Section 3. As to any lands received by the county in exchange the same may be sold or leased the same as might have been done with the lands exchanged.

Power to bring an action to quiet title.

Section 4. Any county which has acquired, or may acquire, title to any land by tax deed may commence an action in the county to quiet title thereto, and in such action several tracts of land contiguous or non-contiguous may be included in one complaint, and all persons claiming any title to, interest in, or lien upon any of said lands may be joined as defendants. The procedure in such action shall be as provided in Sections 9479 to 9488, of the Revised Codes of Montana, 1921, as amended. It shall be the duty of the County Attorney, upon request of the Board of County Commissioners of the county, to promptly commence and prosecute to final judgment any and all such actions.

Duty of County Attorney to prosecute.

Does not affect Sec. 2215, R. C. M. 1921.

Section 5. Nothing in this Act shall be held or construed to be as an amendment or modification of the provisions of Section 2215, of the Revised Codes of Montana, 1921.

Repealing clause.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act to be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 66

An Act to Provide for the Incorporation of Grazing District Associations to Aid in the Conservation, Restoration, Improvement and Use of Forage Resources in the State of Montana; to Authorize Such Associations to Lease, Purchase or Otherwise Acquire County or Other Lands for Such Purposes and to Provide for the Management and Use of Such Lands Which will Best Conserve, Restore and Improve the Forage Value Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of "Cooperative Grazing Association."

Section 1. A corporation, mutually operated, for the purpose of aiding in the conservation of natural forage resources within a designated area to be jointly used by its members, and for aiding in the restoration and improvement of lands which may be acquired by lease or purchase from political subdivision or from others, shall be known in this Act as a "Cooperative Grazing Association."

Cooperative Grazing Districts.

Lands acquired by such an association and utilized by its members for grazing purposes under such definite restrictions and limitations as shall contribute to the conservation, restoration, and improvement of the forage resources of such lands, shall be known as a "Cooperative Grazing District."

Three or more persons residing within the State of Montana may incorporate under this Act.

Who may and how to incorporate.

Section 2. **Articles of Incorporation.** Whenever three or more qualified persons shall desire to incorporate a Cooperative Grazing District, having for its object the utilization, conservation, restoration, and improvement of forage resources on their land or upon lands to be acquired by such association by purchase or lease, they shall prepare and file articles of incorporation to that effect in the office of the Secretary of State in the manner in this Act specified; such articles shall be signed, sealed and acknowledged in the form now provided by the statutes of this state for the conveyance of real estate, and shall include the following:

What the articles of incorporation shall include.

1. The name of the association.

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2. The purpose for which it is formed.

3. The county or counties in which such district is located and the principal office or place of business in the state.

4. The membership fee, which shall in no case be greater than Five Dollars.

5. The term for which such association is incorporated, not exceeding forty years.

6. The names and residences of the persons who subscribed to and acknowledged such articles of incorporation, together with the legal description of the lands owned by them.

7. Names and residences of those who have subscribed for membership with a description of the lands of each.

Powers of the association.

Section 3. **Powers.** Each association organized under this Act shall have the following powers:

1. To lease or acquire, by purchase or otherwise, lands for grazing purposes or for raising forage crops and to dispose of such lands purchased by trade, sale, or otherwise.

2. To construct or acquire fences, reservoirs, or other facilities for the care of livestock.

Lease county lands.

3. To lease from the county or counties in which the Cooperative Grazing District is located, land acquired by such county or counties through tax sale or otherwise, which is located in or contiguous thereto and not already under lease.

Apportion grazing rights.

4. To apportion to members grazing rights within such district on such terms, conditions and limitations as may be specified by the directors thereof, or in accordance with the terms and limitations imposed for the purpose of conservation, restoration and improvement of forage resources in the leasing of county, state or federal land.

Qualification for membership.

Section 4. **Members.** Any person owning land within or contiguous to the proposed boundaries of any Cooperative Grazing District, set up by any association incorporated under this Act, shall be entitled to become

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a member thereof by paying the membership fee and by subscribing to the by-laws and by complying with the regulations and limitations determined by the directors thereof or by the terms of lease of leased lands included therein. The membership fee, which shall be fixed and determined by the directors of such associations, shall in no case exceed Five Dollars.

Fee.

When any member shall dispose of lands owned by him within or contiguous to the Cooperative Grazing District so that he is no longer the owner of lands so within or contiguous, then he shall cease to be a member of such association and his rights and interests in the association shall be determined by the directors thereof. When any member shall dispose of a part of the lands owned by him so that another individual or other individuals shall by the purchase and ownership of such lands acquire right to membership, then the rights and interests involved shall be determined by the Board of Directors.

When member loses his right.

New members.

Each member shall have one vote.

Vote.

Section 5. **Filing Map of District.** Cooperative Grazing Associations organized under this Act shall, upon completion of organization and incorporation, file with the County Clerk of the county or counties in which such lands lie, a map or plat of the Grazing District proposed to be created. If such district shall contain land situated in more than one county, then a map or plat of such Grazing District shall be filed with the County Clerk of each county. Whenever any Incorporated Grazing Association shall enlarge or reduce the area included within its district, or change or modify its boundaries, it shall file with the County Clerk or Clerks, a map or plat to indicate such changed boundaries.

Must file map of district.

Changes in boundaries.

Section 6. **Leasing and/or Purchase of County Lands.** Any Incorporated Grazing Association may purchase or lease any and all lands owned by the county not already leased, and located within the proposed district; such lease to be for a period of five years, with the land thus leased not subject to sale to other parties, but with the privilege of purchase by the Incorporated Grazing District at any time during the term of the lease at such

Power to lease and purchase county lands.

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appraised price as shall be determined at or prior to the origination of the lease; provided, however, no such lease shall be entered into until the Board of County Commissioners, in order to conserve and protect the existing forage resources on such county land and to restore the maximum carrying capacity of such land, shall reserve the right to regulate and limit the amount of grazing thereon and the limitations and restrictions imposed shall be made a part of such lease. Annual rentals for county lands included in Incorporated Grazing Districts shall be payable annually in advance. Failure to comply with regulations prescribed in the lease relating to protection, administration, or improvement of such Grazing Districts or to make payments of annual rentals within the time prescribed shall be grounds for forfeiture and cancellation of such leases. Provided, however, that where county lands are included in Grazing Districts, which include also lands belonging to the Federal Government, then the provisions for the protection, administration, regulation, and improvement of such Grazing Districts, as shall be laid down by the Secretary of the Interior, shall be designated in each lease to apply to the county lands included therein. In negotiating the terms of any lease with a Cooperative Grazing District, the County Commissioners may provide for a variable scale of rental charges, based on market prices for livestock and/or livestock products, or on the number and character of stock to be grazed in said district.

Commissioners may conserve and protect land under lease.

Rents payable in advance.

Cancellation of lease.

Federal Government lands.

Terms of lease.

Adoption of by-laws.

Section 7. Each association incorporated under this Act shall, within thirty days after its incorporation, adopt, by majority vote of its members, for its government and management, a code of by-laws, not inconsistent with the powers granted under this Act. Such association may also under its by-laws provide for any or all of the following:

Contents of.

1. The time, place and manner of calling its meetings.

2. The number of members constituting a quorum. In voting at meetings, no proxies shall be allowed.

3. The number of directors of the association, their tenure of office and the time and manner of their election; the officers, their tenure of office, the manner of their election and their duties.

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4. Penalties for violation of these by-laws or of any regulation, limitations or restrictions imposed for the conservation of forage within the district.

5. The manner of filling vacancies in the Board of Directors or of any office.

Powers and duties of Directors.

Section 8. **Directors. Powers and Duties.** The Directors shall have power:

1. To exercise the full corporate power as authorized in this Act.

To regulate and manage.

2. To make such regulations for the management and control of the affairs of the association and of the manner of utilization of grazing within their district not inconsistent with the terms, conditions and limitations of leases of land contained therein.

3. To apportion grazing rights within their districts to members on a commensurate basis.

To grant grazing permits to non-members.

4. To grant to non-members grazing permits within such districts when the amount of forage within the district is greater than the need of the members, but no such permits shall be granted when such use shall be inconsistent with the terms of leases of county, state or Federal land within the district or with a safe policy of forage conservation within such district.

To determine fees.

5. To determine grazing fees to be imposed on members or non-members on a per-head basis for grazing rights or to determine assessments on members on a per-head grazing basis for the purchase of lands situated within, contiguous to or adjacent to such districts.

To enter into leases.

6. On behalf of the association, to enter into leases with persons, corporations, partnerships or with the county or counties in which the district is located or with the State or the Federal Government for tracts of land within, contiguous to or adjacent to such districts.

To specify as to male breeding animals.

7. To specify the breed, quality and number of male breeding animals which each member must furnish when stock are grazed in a common pasture within the Grazing District.

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Reserve for contingencies.

Section 9. **Reserves.** The association, after paying all costs, lease rentals, or other expenses, may set up such reserve for contingencies as in their judgment be advisable.

Distribution on dissolving association.

Section 10. **Distribution of Interests Upon Dissolution.** Whenever any Cooperative Grazing District is dissolved by act of its Board of Directors or otherwise, then the rights and interests therein shall be distributed among the members in proportion to the amounts paid in by the various members as assessments, as nearly as the Board of Directors may determine.

Vote necessary to alter or amend by-laws.

Section 11. Such by-laws may be altered or amended by any meeting of the members, regularly called, by a two-thirds vote of the members present.

Section 12. That at no time shall this Act be construed as allowing the constitution of a monopoly which shall in any way react to the harm or great disadvantage of any person or persons owning lands contiguous to such Cooperative Grazing Association, provided that such persons shall own both land and livestock wherein the assessed valuation shall not be less than $2500.00, and further provided that the District Judge of the district in which such lands are located shall be the final arbiter.

District Judge final arbiter.

Repealing clause.

Section 13. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 67

An Act to Create a County Land Advisory Board in each County and Defining the Powers and Duties of such Boards.

Be it enacted by the Legislative Assembly of the State of Montana:

Creation and purpose of "The County Land Advisory Board."

Section 1. There is hereby created in each county, a department of county government of the State of Montana, to be known and designated as "The County Land

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Advisory Board." The general purposes of this department shall be to co-operate with the Boards' of County Commissioners of each county in administering lands belonging to the respective counties.

Definition of "Lands" and "Board" as used herein.

Section 2. In this Act, the term, "Lands", shall mean all lands now owned by the respective counties, which have been acquired by the counties through tax deed proceedings and any lands to be hereafter acquired by the same means, and all lands acquired by the respective counties by deed, exchange, or in any manner whatsoever, excepting, however, such lands as are owned or may be acquired for the regular conduct of county affairs. The term, "Board" shall mean "The County Land Advisory Board."

Membership and term of Board.

Section 3. The Board of each county shall consist of five members. The membership and terms shall be as follows: Three properly qualified taxpayers and residents, to be appointed by the Judge of the District Court, one for a two year term; one for a four year term; and one for a six year term, (and on the expiration of such terms, the succeeding members shall be appointed for the term of six years, the State Senator and one State Representative, who shall be designated by the Judge of the District Court.) The members shall serve without pay. The Board shall advise with Boards' of County Commissioners in the direction, control, care, management, appraisal, lease, sale, exchange and disposition of all lands, when so requested by said Board of County Commissioners.

No pay.

Power.

Meetings.

Quorum.

Record of minutes.

Section 4. The Board shall hold regular meetings on the first Wednesday following the first Monday of each month, and may hold meetings whenever deemed necessary upon call of the Chairman, or a majority of the members. Three members of the Board shall constitute a quorum for the transaction of business. The Board shall, from its membership, select a Chairman. It shall be the duty of the Board to keep a record of the minutes of all meetings thereof in a suitable book provided by the Board of County Commissioners for that purpose, and to preserve all important documents, maps, plats and papers. The Board may adopt whatever rules and regulations it deems proper for the conduct of its meetings.

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Duty of County Clerk.

The County Clerk shall be the Clerk of said Board, and as such shall keep the minutes of all meetings thereof and be custodian of all its records.

Policy of State of Montana.

Section 5. It is hereby declared to be the policy of the State of Montana: To promote the conservation of the natural resources of the state; to provide for the conservation, protection and development of forage plants, and for the beneficial utilization thereof for grazing by livestock under such regulations as may be considered necessary; to put into crop production only such lands as are properly fitted therefor; to encourage the storage and conservation of water for livestock and irrigation; to place the farming and livestock industries upon a permanent and solid foundation; to extend preference in sales and leases of lands to resident farmers, stockmen and taxpayers; to gradually restore to private ownership the immense areas of lands, which have passed into county ownership because of tax delinquencies.

Board's power to recommend.

Section 6. The Board may recommend the examination, classification and appraisal of such lands as in its opinion have not previously been properly examined, classified and appraised.

Board to cooperate to establish grazing districts.

Section 7. The Board may co-operate with Boards' of County Commissioners in establishing grazing districts or entering into agreements with other landowners for the establishment of grazing districts, whereby county lands may be leased either on a per head or per acre basis.

To fix fees and terms of grazing districts.

Section 8. The Board may act in an advisory capacity in fixing the fees, terms and conditions of grazing and agricultural leases.

To assist in exchange of lands.

Section 9. The Board may be called upon by Boards' of County Commissioners to assist in making exchanges of lands with other owners.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 68

An Act to Amend Section 3355, of the Revised Codes of the State of Montana of 1921, Relating to the Sale of Animals Under False Registration Certificates or Fraudulently Changing the Markings, and Providing for False Representation of the Production Record of Cattle.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3355, of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 3355. No person, or persons, company, or corporation shall sell to another person or persons, any animal with a certificate of registration or breeding that does not belong to said animal; nor change in any way the certificate of registration or breeding of any animal; nor shall any person or persons, company, or corporation falsely represent any production record of any cow or of any dam, specified in any registration certificate; nor shall any person change the markings of any animal with the intent to deceive the purchaser. Providing that this Act shall not apply to any auctioneer or agent acting in good faith under the direction of the owner."

Sale of animals under false registration certificates.

Changing markings.

Proviso.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 69

An Act Requiring Stock Inspectors and Sheriffs Inspecting Stock, Under Authority of Chapter 238 or Chapter 239, Part III, Political Code of the Revised Codes of Montana, 1921, to Report Same to Livestock Commission, Declaring Any Violation of Said Act a Misdemeanor and Fixing the Penalty Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of Stock Inspector or Sheriff to furnish copy to Livestock Commission.

Section 1. It shall be the duty, and it is hereby mandatory that every Stock Inspector or Sheriff making an inspection, under authority given by Chapter 238 or

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Chapter 239, Part III, Political Code of the Revised Codes of Montana, 1921, and amendments thereof, shall, within five days after making an inspection, furnish copy of such inspection to Livestock Commission.

Penalty.

Section 2. Any violation of this Act shall constitute a misdemeanor and shall be punished by a fine of Fifty Dollars.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 70

An Act Making it Unlawful for the Driver of a Motor Vehicle or Other Person in Said Motor Vehicle Who Has or Assumes Authority Over Such Driver After Collision or Accident to Conceal or Attempt to Conceal His Identity; Prescribing the Duty of a Driver of a Motor Vehicle or Other Person in Said Motor Vehicle Who Has or Assumes Authority Over Such a Driver After Collision or Accident; and Prescribing Penalty for the Violation of Any of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to attempt to conceal injury to person or property on highways of state.

Section 1. It shall be unlawful for the driver of an automobile, motor truck, motorcycle, or any other motor vehicle, or any person in said automobile who has or assumes authority over said driver which shall collide with or injure any human being, or shall injure any person or property by colliding with another vehicle while operating such vehicle on the highways of this state, to conceal or attempt to conceal his identity by flight, or to alter, conceal or destroy the license tags or other means of identification of such vehicle, or shall fail to report the accident, with the intention of concealing his identity.

Duty to stop and render assistance.

Section 2. Whenever an automobile, motor truck, motorcycle, or any motor vehicle strikes any person or collides with any vehicle containing a person, the driver

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of such automobile, motor truck, motorcycle, or other motor vehicle, or any person who has or assumes authority over such a driver, shall immediately cause such automobile, motor truck, motorcycle, or other motor vehicle to stop, and shall render to the persons struck, or to the occupants of the vehicle collided with, all necessary assistance, including the carrying of such person or occupant to a physician or surgeon for medical or surgical treatment, if such treatment be required, or if such carrying is requested by the person struck or the occupant of the vehicle struck; and such driver and the person having or assuming authority over such driver shall further give to the occupant of such vehicle or person struck, the number of such automobile, motor truck, motorcycle, or other motor vehicle, if the same have a number, together with the name and address of the driver of such automobile, motor truck, motorcycle, or other motor vehicle, also the name of the owner thereof, and the name of the passenger or passengers, not exceeding five, in such automobile, motor truck, motorcycle, or other motor vehicle, at the time of such striking, or collision.

Duty to give number of auto and names of parties and addresses.

Section 3. Any person violating any of the provisions of this Act shall be punished by a fine not exceeding One Thousand ($1,000.00) Dollars or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment, or may be punished by imprisonment in the State Penitentiary for a period not exceeding twenty (20) years.

Penalty.

Section 4. Section 2 of Chapter 166, of the Laws of the Twenty-first Legislative Assembly, and all other Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 71

An Act Relating to Irrigation Districts, Authorizing and Empowering Irrigation Districts and the Commissioners Thereof to Amend or Supplement Original Contracts with the United States, and Relating to the Procedure to be Followed in Making Such Contracts.

Be it enacted by the Legislative Assembly of the State of Montana:

Power to contract with U. S. Gov. to supplement or amend original contract.

Section 1. The Board of Commissioners of any irrigation district established and organized under and by virtue of the laws of Montana, whenever deemed advisable and to the interests of the district, shall have the power and authority to enter into any contract with the United States supplementing or amending any original contract with the United States, said original contract having been entered into pursuant to the provisions of Sections 4 and 7, of Chapter 157, Laws of Montana, 1923, and Chapter 161, Laws of Montana, 1923, provided, that such supplementary or amendatory contract does not increase the amount of the principle indebtedness of the district to the United States as it exists at the date of the supplementary or amendatory contract authorized under the provisions of Section 7, Chapter 157, of the Session Laws of Montana, 1923.

Proviso.

Not necessary to have judicial confirmation.

Who may authorize such contract.

Section 2. In case any supplementary or amendatory contract shall be made with the United States hereunder, no petition as required by Section 7, Chapter 157, Laws of Montana, 1923, shall be necessary, nor shall the Board of Commissioners of such irrigation district be required to proceed under Section 1, of Chapter 161, Laws of Montana, 1923, for a judicial confirmation of the making of such contract and the terms thereof. It shall be sufficient in the case of a contract made with the United States hereunder for the Board of Commissioners of any irrigation district to authorize the execution of the same by its president and secretary by appropriate resolution adopted at any regular or special meeting of said Board of Commissioners.

Ratifying contracts already entered into.

Section 3. Any contract between the United States and any irrigation district heretofore made as a contract supplementing or amending any original contract between the United States and any irrigation district, and

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which original contract was entered into pursuant to the laws of the State of Montana governing the making of a contract between the United States and an irrigation district, and which said supplementary or amendatory contract was not authorized by petition of the district landowners and thereafter judicially confirmed by a Court of competent jurisdiction is hereby ratified, approved, and confirmed as a valid and subsisting contract of such irrigation district.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 72

An Act Relating to the Taking of Elk Within the State of Montana, or Any Portion Thereof; the Taking of Antelope in Chouteau County, Montana; and the Taking of Fish in Lake County, Montana; Relieving Damage Caused Thereby, Granting and Giving to the State Fish and Game Commission of the State of Montana Authority to Make and Promulgate Rules and Regulations for the Taking, Killing, Removing or Disposing of the Same, and Providing for the Disposal of Revenue Derived from Said Rules and Regulations, and Prescribing the Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Power of Game Commission as to elk.

Section 1. That whenever elk, imported within the State of Montana, or any portion thereof, have increased in numbers to such an extent that in the judgment of the State Fish and Game Commission their number should be reduced, and special or private property is being actually or materially damaged or destroyed by said elk, and a written complaint of such damage has been filed by the owners or lessees of said property with the State Fish and Game Commission, the said Commission shall have the power and authority whenever, in its opinion, conditions warrant it, to take, kill, remove or dispose of such elk, or to permit the same to be taken, killed, removed, or disposed of under such rules, regulations and conditions as it may prescribe and promulgate.

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Power as to antelope in Chouteau County.

Section 2. Whenever antelope within the County of Chouteau, State of Montana, have increased in numbers to such an extent that, in the judgment of the State Fish and Game Commission, their number should be reduced, and special or private property is being actually or materially damaged or destroyed, by said antelope in said Chouteau county, and written complaint of such damage has been filed by the owners or lessees of such property with the State Fish and Game Commission, the said Commission shall have the power and authority whenever, in its opinion, conditions warrant it, to take, kill, remove or dispose of such animals or to permit the same to be taken, killed, removed, or disposed of under such rules, regulations, and conditions as it may prescribe and promulgate.

Power as to fish in Lake County.

Section 3. That whenever the fish within the County of Lake, State of Montana, shall have increased in numbers to such an extent that in the judgment of the State Fish and Game Commission, their numbers should be reduced, the Commission shall have the power and authority to take, kill, remove, or dispose of such fish or to permit the same to be taken, killed, removed, or disposed of under such rules, regulations and conditions as it may prescribe and promulgate.

Disposition of revenue, if any.

Section 4. In case any revenue is derived from the taking, killing, removing, or disposing of such fish and animals as above described in this Act, the same shall be deposited in the State Fish and Game Commission fund.

Notice of rules under Act.

Section 5. Whenever said Commission shall have made any order, rules or regulations for the carrying out of the powers granted to it under this Act, the same shall take effect and be in force and effect from and after the publication and posting of notice of said orders, rules and regulations, as required by the Fish and Game Laws of said state.

Penalty.

Section 6. Any person who shall violate any of the provisions of this Act, or any of the orders, rules and regulations of the Fish and Game Commission, made pursuant to the authority given it under this Act, he shall be deemed guilty of a misdemeanor and upon conviction

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thereof, be punished by a fine of not less than Twenty-five Dollars nor more than Five Hundred Dollars, or by imprisonment in the county jail for not more than one hundred and eighty (180) days, or by both such fine and imprisonment, and in addition thereto, shall, in the discretion of the Court, forfeit his license to hunt, fish or trap within this state for a period of one year from the date of his conviction.

Section 7. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 73

An Act to Amend Section 3777, of the Revised Codes of the State of Montana of 1921, as Amended by Section 31, of Chapter 192, of the Session Laws of the Nineteenth Legislative Assembly of 1925, Relating to the License for Breeding and Propagating Game Birds, Game and Fur-Bearing Animals.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3777, of the Revised Codes of the State of Montana of 1921, as amended by Section 31, of Chapter 192, of the Session Laws of the Nineteenth Legislative Assembly of 1925, be, and the same is hereby amended to read as follows:

"Section 3777. It shall hereafter be lawful for any person or persons, company, or association to engage in the business or occupation of propagating, owning and controlling wild game birds, game and fur-bearing animals of the State of Montana, upon premises wholly owned, leased or controlled by such person or persons, company, or association in said State of Montana, under such regulations as may be prescribed by the Fish and Game Commission, and the supervision of said State Fish and Game Warden. The applicant shall file with the Commission, a statement of the place where the person owning said fur farm will conduct such business, and game and fur proposed to be raised on said premises, and

Allowing persons to engage in the business of breeding and propagating game birds and fur-bearing animals.

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Must obtain permit.

shall for this purpose obtain a permit from the Fish and Game Commission, which permit shall be issued by said Commission, to capture alive in season or out of season such game birds, or game or fur-bearing animals as may be necessary for foundation stock for such game or fur farm. Such permit, however, shall limit the number of game birds or game or fur-bearing animals that may be so captured; the applicant shall be required to show that he has so fenced the place where such game or fur-farm is located, that no wild or public animal or bird can mix with those confined by him, and when license has been issued and a permit has been given to capture certain fur-bearing animals for foundation stock, said animals shall be subject to the same royalty or tax as the skins of the same animals are subject to. When the provisions of this section have been complied with the product of such game or fur-farm may be dealt with and sold as private property, but every sale must be reported to the State Game Warden, and the person owning said fur farm shall make an annual report of his said game or fur business to the Fish and Game Commission.

Regulations.

Sales must be reported.

Unlawful to enter enclosure where posted.

Any person or persons who, at any time hereafter, in any part of the State of Montana, without the consent of the owner or caretaker of any enclosure within which fur-bearing animals are kept for breeding purposes, and on the fence of which enclosure are kept posted notices forbidding trespassing on the premises where the said animals are kept, and plainly discernible at a distance of not less than twenty-five yards therefrom, shall pass within the said fence or such enclosure or climb over, break or cut through the same for the purpose of entering the said enclosure, or for any other purpose whatsoever, shall be guilty of an offense and liable to the penalty hereinafter provided."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 74

An Act to Amend Sub-Section 8 of Section 4465 of the Revised Codes of the State of Montana of 1921, as Amended by Chapter 100 of the Session Laws of the Twenty-second Legislative Assembly of 1931, Relating to Certain Duties of the Board of County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sub-Section 8 of Section 4465 of the Revised Codes of the State of Montana of 1921, as amended by Chapter 100 of the Session Laws of the Twenty-second Legislative Assembly of 1931, be, and the same is hereby amended to read as follows:

"Sub-Section 8. To purchase, receive by donation, or lease any real or personal property necessary for the use of the county, preserve, take care of, manage and control the same; but no purchase of real property, exceeding the value of One Hundred Dollars ($100.00), must be made unless the value of the same has been previously estimated by three (3) disinterested citizens of the county appointed by the District Judge for that purpose, and no more than the appraised value must be paid therefor."

Duties of Board as to obtaining real or personal property.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 75

An Act to Amend Section 3765 of the Revised Codes of Montana of 1921, Defining the Boundaries of the Snowy Mountain Game Preserve.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3765 of the Revised Codes of Montana of 1921, be amended to read as follows:

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Creation of preserve.

"Section 3765. **Snowy Mountain Preserve.** There is hereby created, for the better protection of all of the game animals and birds within the limit thereof, game preserve within the State of Montana, and more particularly hereinafter described as to the exterior limits, and it is hereby declared to be unlawful to hunt for, trap,

Animal protection afforded.

or kill, or cause to be hunted for, or killed, any of the animals herein mentioned, or to trap, capture, or molest any birds or animals of any kind whatever, within the limits of the game preserve hereby created, or to carry or discharge any firearms, or to create any unusual disturbance tending to frighten or drive away any game animals or birds, or to chase the same with dogs or hounds within said preserve; provided, however, that

Permits for capture of animals or birds may be issued by State Game Warden.

permits to capture animals or birds, for the purpose of propagation, or to destroy mountain lions, wolves, foxes, coyotes, wildcats, minks, or other predatory animals or birds, may be issued by the State Game Warden, upon the payment of such license fee and in accordance with such regulations as may be established for the administration of said preserve by the State Fish and Game Commission. Said game preserve hereby created is more particularly described as follows:

Description of property set aside.

"Beginning at the Northwest Corner of Section 36, Township 13 North, Range 17 East; thence South along the section line between Sections 35 and 36 one mile; thence up the East Fork of the Dry Pole Canyon to the top of the ridge between Dry Pole and Rock Creek; thence South along the top of this ridge to the summit of the mountains; thence East along the South rim of the summit to a point about one-half mile East of the Knife Blade Ridge; thence North along the crest of the ridge between the East and West Forks of Cottonwood Canyon to where both of these forks unite; thence down the main canyon North to the Forest boundary: Approximately one-fourth (¼) mile East of Section Corners 34, 35, 26 and 27, Township 13 North, Range 18 East; thence West along the Forest boundary five (5) miles to the Northwest Corner of Section 36, Township 13 North, Range 17 East, to the point of beginning."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 76

An Act Defining Strip Mining, Providing for the Hours of Labor of Said Work and Providing Penalty for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Definition of "Strip Mining."

Section 1. That for the purpose of this Act "Strip Mining", is defined as the removal of the over burden, and coal or other materials from the ground, and all of the operations pertaining thereto, without the necessity of providing timbers for the holding of said ground in place.

Eight-hour day.

Section 2. A period of not more than eight (8) hours will constitute a day's labor of all employees working in "Strip Mining" except in cases of emergencies for the protection of life or property when same is in danger.

Penalty for violation.

Section 3. Any person, company, corporation, or lessee of the same, who shall violate the provision of this Act, shall, upon conviction be punished by a fine of not less than Fifty Dollars ($50.00), or more than Six Hundred ($600), or by imprisonment of not less than thirty (30) days or more than seven (7) months, or both such fine and imprisonment and each and every day that such person, company, corporation, or lessee may continue to violate the provisions of this Act shall be considered separate and distinct offense and shall be punished as such.

Repealing clause.

Section 4. All Acts and part of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect upon its passage and approval.

Approved March 7, 1933.

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CHAPTER 77

An Act Prescribing the Hours of Labor for Persons Employed in or About Cement Plants and at Quarries and Hydro-Electric Dams, and Providing Penalties for a Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Eight-hour day.

Section 1. A period of eight (8) hours shall constitute a day's work, except in cases of emergency where life and property is in imminent danger, for all persons employed in or about cement plants and at quarries and hydro-electric dams.

Penalty for violation.

Section 2. Any person, corporation, agent, manager or employer who shall violate any of the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars ($50.00) or more than Six Hundred Dollars ($600.00), or by imprisonment in the county jail for not less than thirty (30) days or more than seven (7) months, or by both such fine and imprisonment.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 78

An Act to Amend Section 6573 of the Revised Codes of Montana of 1921, as Amended by Chapter 113, Session Laws Twenty-first Legislative Assembly, 1929, Relating to Persons to Whom Free Transportation May Be Issued.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6573 of the Revised Codes of Montana of 1921, as amended by Chapter 113, Session Laws Twenty-first Legislative Assembly, 1929, be, and the same is hereby amended to read as follows:

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"Section 6573. **Persons to Whom Free Transportation May be Issued.** The persons to whom free tickets, free passes, free transportation, and discriminating reduced rates may be issued, furnished, or given are the following, to-wit: (a) The officers, agents, employees, attorneys, physicians, and surgeons of such common carriers of passengers; (b) to the families of the persons included in Subdivision 'a' hereof; (c) the general officers of any such common carriers; (d) employees of sleeping car and express car companies, and linemen of telegraph and telephone companies, railway mail service employees, post office inspectors, custom inspectors, and immigration inspectors, newsboys on trains, baggage agents; (e) persons injured in wrecks, and physicians and nurses attending such persons; (f) passengers traveling with the object of providing relief in cases of railroad accident, general epidemic, pestilence, or other calamitous visitation; (g) necessary caretakers of livestock, vegetables, and fruit, including return transportation to forwarding stations; (h) the officers, agents, or regularly accredited representatives of labor organizations composed wholly of employees of railway companies; (i) inmates of homes for the reform or rescue of the vicious or unfortunate, including those about to enter and those returning home after discharge, and boards of managers, including officers and superintendents of such homes; (j) superannuated and pensioned employees, and members of their families and widows of such members; (k) employees, crippled and disabled in the service of the common carrier of passengers; (l) policemen and firemen of any city, wearing the insignia of their office within the limits of such city; (m) ministers of religion, newspaper employees in exchange for advertising, traveling secretaries of Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; (n) indigent, destitute and homeless persons, while being transported by charitable societies or hospitals, and necessary agents, employees in such transportation; (o) school children to and from public or parochial schools; (p) the Railroad Commission of Montana; (q) the State Fire Marshal; (r) the State Scale Expert, and their necessary employees, while traveling on official duty. The provisions of this Act shall

Persons to whom free transportation or reduced rates may be given.

May still interchange passes.

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not be construed to prohibit the interchange of passes for the persons to whom free tickets, free passes, or free transportation may be furnished or given under the provisions of this section. Nothing in this Act shall be construed to invalidate any existing contract between a street railway company and a city, where a condition of a franchise grant requires the furnishing of transportation to policemen, firemen, and officers while in the performance of official duties."

Proviso.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed, provided, however, that this Act shall not be construed to modify or repeal the provisions of Chapter 9, Laws of Twenty-first Legislative Assembly, 1929.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 79

An Act Legalizing and Validating Tax Deeds Heretofore Issued Notwithstanding Any Error in the Form, Substance or Amounts Stated in Notice of Application for Tax Deed Unless the Amount Actually Due for Taxes, Interest and Penalty Has Been Tendered to the Holder of the Tax Deed or County Treasurer Before the Approval of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Validating tax deeds.

Section 1. That any tax deed heretofore issued in this state shall not be held invalid by reason of any defect in the form, substance or amounts stated to be due in the notice of application for tax deed and all tax deeds heretofore issued are legalized and declared to be valid and legal regardless of any error, defect, omission, irregularity or failure to correctly state the amount due in the notice of application for tax deed, provided that this Act shall not apply to any case where, prior to the passage and approval of said Act, the owner of land or party entitled to redeem shall pay or tender to the owner

Proviso.

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or holder of the tax deed or the County Treasurer of the county wherein the land described in said tax deed is situated, the amount actually due for taxes, penalty and interest at the time when said money is so tendered.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval. Repealing clause.

Approved March 7, 1933.

CHAPTER 80

An Act Providing for the Submission to the Qualified Electors of the State of Montana an Amendment to Section Five, Article XVI, Granting the Board of County Commissioners the Power to Consolidate County Offices, and Providing the Procedure for the Consolidation of County Offices.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section Five of Article XVI of the Constitution of the State of Montana, be amended, provided that the question of the said amendment be submitted to the qualified electors of the State of Montana at the next general election. Amending clause.

Section 2. That Section Five of Article XVI of the Constitution of the State of Montana be amended so that, as amended, the same shall read as follows:

"Section 5. There shall be elected in each county the following county officers: County officers to be elected.

One County Clerk, who shall be Clerk of the Board of County Commissioners and Ex-officio Recorder; one Sheriff; one Treasurer, who shall be collector of the taxes, provided, that no person shall hold the office of County Treasurer for more than two (2) consecutive terms; one County Superintendent of Schools; one County Surveyor; one Assessor; one Coroner; one Public Administrator. Persons elected to the different offices named in this section shall hold their respective Term.

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offices for the term of two (2) years, and until their successors are elected and qualified. Vacancies in all county, township and precinct offices, except that of County Commissioners, shall be filled by appointment by the Board of County Commissioners, and the appointee shall hold his office until the next general election; provided, however, that the Board of County Commissioners of any county may, in its discretion, consolidate any two (2) or more of the within named offices and combine the powers and duties of the said offices consolidated; however, the provisions hereof shall not be construed as allowing one (1) office incumbent to be entitled to the salaries and emoluments of two (2) or more offices; provided, further, that in consolidating county offices, the Board of County Commissioners shall, six (6) months prior to the general election held for the purpose of electing the aforesaid officers, make and enter an order, combining any two (2) or more of the within named offices, and shall cause the said order to be published in a newspaper, published and circulated generally in said county, for a period of six (6) weeks next following the date of entry of said order."

Vacancies.

May consolidate offices.

Can't receive two salaries.

When and how to consolidate.

Notice.

When to be submitted to people.

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot as provided by law and shall be voted on at the general election to be held in November, 1934. On the principal ballot to be used at said election shall be printed thereon the words:

Form.

☐ For an amendment to the Constitution relating to the consolidation of county offices.

☐ Against an amendment to the Constitution relating to the consolidation of county offices.

The elector shall designate his preference for either of the propositions by marking an "X" before the proposition he desires.

Duty of Governor to proclaim results.

Section 4. The votes cast for and against this amendment above proposed shall be counted and canvassed as is provided by law, and if a majority of all votes cast, at such election for and against such amendment, be in the favor of such amendment the Governor of the State of Montana shall so declare by public proclamation, and

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the same shall be in full force and effect as a part of the Constitution after the date of such proclamation.

Section 5. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 7, 1933.

CHAPTER 81

An Act Relating to Traffic Regulations; Providing for Lights or Reflectors on All Trucks, Trailers, and Automobiles Upon State Highways and for Warning Signals at the Extreme Rear End of Loads Extending Three Feet or More Beyond the Rear of Body of Such Vehicles; and Providing Penalties for the Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Vehicles wider than 80 inches shall be equipped with red lights or reflectors.

Section 1. Trucks, trailers and automobiles, which are of greater width than eighty (80) inches, upon any state highway of this state, shall be equipped with and display on each side of the body thereof a white, yellow or green light or reflector facing the front and on each side of the rear of such vehicle, a red light or reflector facing the rear.

Requirements when load extends 3 feet or more beyond rear of car.

Section 2. Whenever any trucks, trailers and automobiles upon a state highway shall be loaded with any material in such a manner that any portion of such load extends toward the rear three (3) feet or more beyond the rear of the body or bed of such vehicle there shall be displayed at the extreme rear end of the load, during the period between sunset and sunrise, a light or reflector plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear, and at all other times while such vehicle is upon a state highway, a red flag or cloth not less than sixteen (16) inches square shall be displayed at the extreme rear of said load as a warning signal to persons operating vehicles approaching from the rear.

Penalty.

Section 3. Each violation of this Act, shall constitute a misdemeanor punishable upon conviction by a fine not

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exceeding One Hundred Dollars ($100.00), or imprisonment in the county jail not to exceed thirty (30) days, or both.

Repealing clause.

Section 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 82

An Act to Amend Section 3717 of the Revised Codes of Montana of 1921, as Amended by Chapter 192 of the Session Laws of the Nineteenth Legislative Assembly, Prohibiting the Use or Possession of Explosives or Poison for the Purpose of Killing Fish; Declaring Same a Misdemeanor and Fixing the Penalty Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3717 of the Revised Codes of Montana of 1921, as amended by Chapter 192 of the Session Laws of the Nineteenth Legislative Assembly, be, and the same is hereby amended to read as follows:

Unlawful to use poison or explosives for purpose of killing fish.

"Section 3717. If any person or persons shall use any carbide, lime, giant powder, dynamite, or other explosive compounds, or any corrosive or narcotic poison or other deleterious substance, or have any of same in his possession within one hundred (100) feet of any stream where fish are found, for the purpose of catching, stunning, or killing fish, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than six (6) months or by both such fine and imprisonment."

Penalty.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 83

An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Article 12 of the Constitution of the State of Montana, Relating to Revenue and Taxation, Adding Thereto a New Section, Providing for the Levy and Collection by the State of Taxes Upon Incomes and the Distribution of Said Taxes to the Public Schools and to the State Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Provision to amend Constitution.

Section 1. That the Constitution of the State of Montana be amended as hereinafter provided and that the question of such amendment be submitted to the qualified electors of the State of Montana for their approval or rejection at the general election to be held in November, 1934.

Section 2. That the Constitution of the State of Montana be, and the same is hereby amended by adding thereto a new section to be known and designated as Section 1 (a) of Article 12, reading as follows:

Income tax.

"Section 1 (a) of Article 12. The Legislative Assembly may levy and collect taxes upon incomes of persons, firms and corporations for the purpose of replacing property taxes. These income taxes may be graduated and progressive and shall be distributed to the public schools and to the state government."

Ballot, how to be printed.

Section 3. Separate official ballots shall be provided at the general election to be held in November, 1934, which shall have printed thereon "Property Tax Relief Amendment", followed by all of Section 1 (a) of Article 12 of the Constitution of the State of Montana as proposed by this Act. There shall also be printed on said official ballots, below the said section, squares and the words as follows:

Form.

☐ For the foregoing amendment to the Constitution.

☐ Against the foregoing amendment to the Constitution.

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Each elector who approves this amendment shall mark an "X" in the first square above printed and each elector who rejects it shall mark an "X" in the second square.

Canvass.

Section 4. The votes cast for and against this amendment above proposed, shall be counted, canvassed and determined by such officials, and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the Governor of the state shall so declare by public proclamation and the amendment shall be in full force and effect as a part of the Constitution from and after the date of such proclamation.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 84

An Act Accepting the Amendment Enacted by Congress to Section Eleven of the Act Approved February 22, 1889 (25 Stat. 676), Relating to the Admission Into the Union of the States of North Dakota, South Dakota, Montana, and Washington, Approved by the President of the United States May 7, 1932.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose.

Section 1. The State of Montana hereby accepts the amendment to Section Eleven of the Act approved February 22, 1889 (25 Stat. 676), relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington, approved by the President of the United States May 7, 1932, which amendment reads as follows:

Act of Congress.

"BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That Sec-

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tion Eleven of the Act approved February 22, 1889 (25 Stat. 676), be, and the same is hereby amended to read as follows:

'That all lands granted by this Act shall be disposed of only at public sale after advertising—tillable lands capable of producing agricultural crops for not less than Ten Dollars ($10.00) per acre, and lands principally valuable for grazing purposes for not less than Five Dollars ($5.00) per acre. Any of the said lands may be exchanged for other lands, public or private, of equal value and as near as may be of equal area, but if any of the said lands are exchanged with the United States such exchange shall be limited to surveyed, nonmineral, unreserved public lands of the United States within the state.

Lands may be disposed of only by sale.

Terms.

Exchange permitted.

The said lands may be leased under such regulations as the Legislature may prescribe; but leases for grazing and agricultural purposes shall not be for a term longer than five (5) years; mineral leases, including leases for exploration for oil and gas and the extraction thereof, for a term not longer than twenty (20) years; and leases for development of hydro-electric power for a term not longer than fifty (50) years.

May be leased.

Term of leases.

The state may also, upon such terms as it may prescribe grant such easements or rights in any of the lands granted by this Act, as may be acquired in privately owned lands through proceedings in eminent domain; provided, however, that none of such lands, nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the state.

Easements or other rights.

Proviso.

With the exception of the lands granted for public buildings, the proceeds from the sale and other permanent disposition of any of the said lands and from every part thereof, shall constitute permanent funds for the support and maintenance of the public schools and the various state institutions for which the lands have been granted. Rentals on leased lands, interest on deferred payments on lands sold, interest on funds arising from

Disposition of funds.

Purpose.

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these lands, and all other actual income, shall be available for the maintenance and support of such schools and institutions. Any state may, however, in its discretion, add a portion of the annual income to the permanent funds.

Not subject to entry of any kind.

The lands hereby granted shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for the purposes for which they have been granted.'

Repealing clause.

Sec. 2. Anything in the said Act approved February 22, 1889, inconsistent with the provisions of this Act is hereby repealed.

Approved, May 7, 1932.''

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 85

An Act Permitting Charles Magelo, of Musselshell County, Montana, to File a Claim for Compensation for Alleged Industrial Accident Injury and Disability After Expiration of Six Months from the Date of the Happening of the Alleged Accident, Injury and Disability and Permitting Notice Thereof to be Deemed Given.

Be it enacted by the Legislative Assembly of the State of Montana:

Charles Magelo industrial accident claim allowed.

Section 1. The Industrial Accident Board is hereby authorized and empowered to allow the filing of a compensation claim with the Industrial Accident Board by Charles Magelo, by reason of an alleged industrial accident, injury and disability, suffered by him in the course of his employment. The Board shall investigate and determine the validity of said compensation claim and shall consider it to have the same status and effect as if within

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thirty (30) days after the occurrence of the accident, notice had been given in writing, stating the name and address of Charles Magelo, the injured workman, the time and place where the accident occurred and the nature of the injury and signed by Charles Magelo and served upon the employer or insurer and to have the same status and effect as if said claim had been presented within six (6) months to the Industrial Accident Board from the date of the happening of the alleged accident, injury and disability.

Section 2. This is hereby deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 86

An Act to Authorize the Transportation of Certain Dependent Children for Whom Proper Homes Are Offered Outside the State, and Making an Appropriation Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorization to transport certain dependent children.

Section 1. The Bureau of Child Protection is authorized to transport to proper homes without the state when such homes are offered minor orphans, half orphans, abandoned children or children of a father who is incapacitated for gainful work by permanent physical disability, who does not have an income sufficient to care for his children, or who is a patient in a sanitarium, or other institution by reason of a tubercular condition; provided, that the county from which the children are removed shall pay one-half (½) of the total expense necessarily incurred by the state in effecting such transportation.

County to pay one-half.

Appropriation.

Section 2. The sum of Five Hundred Dollars ($500), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the state treasury in the general fund not otherwise appropriated to pay the state's share of expenses necessarily

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incurred in the transportation of dependent children for whom proper homes are offered outside the state under the provisions of Section 1 of this Act.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Not affected by Budget Act.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 87

An Act to Amend Sections 3676 and 3679 of the Revised Codes of Montana of 1921, Relating to the Creating of Fish and Game Preserves, Refuges, Sanctuaries, Rest Grounds, Closed Districts and Closed Seasons, Prescribing Penalties for a Violation of This Act and Repealing All Acts and Parts of Acts in Conflict with the Provisions Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3676 of the Revised Codes of the State of Montana, of 1921, be, and the same is hereby amended to read as follows:

"Section 3676. **Creating Fish and Game Preserves, Refuges, Sanctuaries, Rest Grounds, Closed Districts and Closed Seasons.** Preserves, refuges, sanctuaries, rest grounds, or closed districts made or created by said Commission, and any land or water areas or portions thereof, closed by said Commission, shall be conspicuously posted for a period of fifteen (15) days, with posters setting forth their purposes and the penalties for violating the orders, rules and regulations of the State Fish and Game Commission applicable to them. Not less than fifteen (15) days before any fish and game district, closed district, preserve, refuge, sanctuary, rest ground, so created by said Commission, or closure of land or water

Notice required.

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areas becomes effective, publication shall be made as provided in Section 3677 hereof of the boundaries of such fish and game district, closed district, preserve, refuge, sanctuary or rest ground, so created by said Commission and closed waters, such boundaries to be accurately designated by definite topographic or public land survey. The hunting, pursuing, capturing, killing or taking of any fish or game animals or game birds or fur-bearing animals in violation of the rules, regulations or orders of the State Fish and Game Commission governing any closed season, fish and game district, refuge, sanctuary, preserve, rest ground or closed land or water area, promulgated by said Commission shall be punishable with the same penalties as provided for the violation of the State Fish and Game Laws of this state, regarding closed seasons. All preserves or refuges heretofore created by the laws of this state are continued in force and effect until such time as the same are changed by the Commission in the manner herein designated; provided that said Commission shall have the right, power, and authority, when properly petitioned, to alter, and change the boundaries of, or entirely do away with and abandon any preserve or refuge, when, in the opinion of said Commission, it is to the best interests so to do."

Publication necessary.

Penalty.

Proviso as to preserves or refuges heretofore created.

Section 2. That Section 3679 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

"Any person who shall violate any of the provisions of any order, rule, or regulation of the State Fish and Game Commission made pursuant to the authority given it under this Act, shall be deemed guilty of a misdemeanor, and upon conviction be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Five Hundred Dollars ($500), or by imprisonment in the county jail for not more than one hundred eighty (180) days, or by both such fine and imprisonment in the discretion of the Court."

Penalty for violation.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 88

An Act Permitting J. E. Dodson, of Flathead County, Montana, to File a Claim for Compensation for Alleged Industrial Accident After Expiration of Six Months from the Date of the Happening of Alleged Accident.

Be it enacted by the Legislative Assembly of the State of Montana:

J. E. Dodson industrial accident claim allowed.

Section 1. The Industrial Accident Board is hereby authorized and empowered to allow the filing of a claim against the industrial accident fund by J. E. Dodson by reason of an alleged industrial accident suffered in the course of his employment by The Flathead Lumber Corporation. The Board shall investigate and determine the validity of said claim and shall consider it to have the same status and effect as if it had been presented within six (6) months from the date of the happening of the alleged accident.

Section 2. This is hereby deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 89

An Act to Provide for the Codification of the Revised Codes of Montana of 1935; Authorizing the Appointment of a Code Commissioner, Specifying His Powers and Duties, Fixing His Compensation and Making a Supplemental Appropriation of Money for Said Report.

Be it enacted by the Legislative Assembly of the State of Montana:

Power to appoint Code Commissioner.

Section 1. **Appointment of Code Commissioner.** The Supreme Court of Montana is hereby authorized and directed to appoint, not later than thirty (30) days from and after the passage and approval of this Act, some competent and qualified person as Code Commissioner to compile and revise all the laws of the State of Montana of a permanent and general nature now in force and effect, including the Acts of the Twenty-third Legislative Assembly of said state and all initiative measures.

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Plan of Codes.

Section 2. **Designation and Plan of Codes.** The laws to be compiled and arranged by said Code Commissioner shall be known and designated as the Revised Codes of Montana of 1935. Said compilation of laws, when completed and certified to by said Code Commissioner, shall constitute the official and authorized Codes of Law of said state and may for all purposes be cited by the name "Revised Codes of Montana of 1935" or by the abbreviation "R. C. M. 1935." In addition to the statute laws of the state, said Code shall also contain the Magna Charta, the Declaration of Independence, the Constitution of the United States as amended, the Organic Act of the Territory of Montana, the Enabling Act, the Constitution of Montana and the laws of Congress relating to the authentication of laws and records.

Name.

Contents.

Duty to include historical notes.

Section 3. **Historical Notes.** It shall be the duty of the Code Commissioner to include in the Revised Codes of Montana of 1935 all the historical notes which now appear in the Revised Codes of Montana of 1921 and to supplement the same so as to show all the subsequent history of the several sections to be contained in said compilation.

Annotations.

Decision of Supreme Court.

Section 4. **Annotations.** Said Code shall be annotated by proper and appropriate reference to all decisions of the Supreme Court of Montana, applying, construing, commenting upon or referring to any of the laws or to the Constitution of Montana, up to the first day of January, 1935, and as much later as it may be reasonably practicable to prepare such annotation before delivery of the copy for said Code to the printer. So far as practicable, the Code Commissioner shall include appropriate references to the opinions of the Attorney General which construe or apply provisions of the law.

Attorney General opinions.

Indexes.

Section 5. **Indexes.** A complete new workable index for the entire Revised Codes of 1935 and a separate index for the Constitution of Montana and the Constitution of the United States shall be prepared by the Code Commissioner. Said indexes shall be alphabetically arranged and of sufficient particularity to refer to each section and subject contained in said Codes.

Section 6. **Authority of Commissioner as to Revision, Arrangement and Recommendations.** In compiling the

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Power to revise.

revision of the laws of Montana hereby authorized, the Code Commissioner shall have authority to rearrange the chapters in the several Codes, to renumber and transpose sections therein and to make other and different chapter designations and section title lines. Nothing herein contained shall be deemed to require the Code Commissioner to make recommendations as to new laws materially differing from existing statutes and involving the exercise of legislative discretion for their enactment.

Proviso.

Note inconsistency, ambiguity, etc.

Subject, however, to the foregoing limitation, it shall be the duty of the Code Commissioner in compiling said Codes to note all inconsistencies, ambiguities, imperfections, implied repeals and other defects in the existing laws of Montana and to submit to the next regular Legislative Assembly of the state bills for the correction of the same.

Report to next Legislative Assembly.

Time limit.

Section 7. **Time Limit for Completion of Work.** The Code Commissioner shall enter upon the performance of the work herein specified promptly upon his appointment by the Court and shall complete the entire work required by this Act, by January 1, 1935. In connection with the foregoing limit as to time however, it is expressly recognized that in order for the Commissioner to include the 1935 Session Laws and to index the same in their proper place in the Codes, and in order for the Legislative Assembly to act upon the bills herein required to be submitted to it by the Commissioner, it will be necessary to continue the work of said Commissioner after the adjournment of the 1935 Assembly. Such work, necessarily to be performed after January 1, 1935, is not within the terms of this Act, but the appointment of the Code Commissioner shall continue through the final completion and publication of the Codes under such terms as the Legislative Assembly shall prescribe.

Work after Jan. 1, 1935, not within terms of this Act.

Oath of office.

Section 8. **Oath of Office.** Before entering upon the discharge of his duties, the Code Commissioner shall take and subscribe the oath of office provided by the Constitution, which oath shall be filed with the Secretary of State.

Under supervision of Supreme Court.

Section 9. **Supervision by Justices of the Supreme Court.** In the performance of the work herein specified, the Code Commissioner shall at all times be under the general control and supervision of the Justices of the

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Supreme Court of Montana, who may, in their discretion direct changes in the general plan and contents of the Revised Codes of Montana of 1935, not inconsistent with the general purpose and scope of this Act.

What shall be furnished the Code Commissioner.

Section 10. **Office and Supplies to be Furnished Commissioner.** The Secretary of the State of Montana shall furnish to the Code Commissioner, without charge, one (1) set of the Revised Codes of 1907, three (3) sets of the Revised Codes of 1921, three (3) sets each of all the Session Laws of the state, and two (2) unbound (or bound, if unbound copies are not available) volumes of each of the Montana Reports to and including the last volume to be annotated by the Code Commissioner. The Code Commissioner shall have free access to the State Law Library and to the books and records in the office of the Secretary of State which may be necessary or convenient to the proper prosecution of the said work. The Code Commissioner shall also be provided with the necessary paper and stationery to prepare the printer's copy for said Code, together with the necessary filing cases and cabinets to hold the same, provided that such cases and cabinets shall remain the property of the state and shall be returned to the State Purchasing Agent by the Code Commissioner on the completion of said work. The Code Commissioner shall also be furnished with an office adjoining the State Law Library at the State Capitol.

Compensation.

Section 11. **Compensation of Commissioner.** The Code Commissioner shall be paid for the performance of the work herein specified, upon a contract basis, the total sum of not more than Nine Thousand Five Hundred Dollars ($9,500) from which he shall pay all necessary expenses except those otherwise provided herein. The payments shall be made monthly and pro rated from the time of the appointment of the Commissioner until, and the final payment shall be made on January 1, 1935. All the work done, however, shall be under the constant supervision of the Justices of the Supreme Court.

Paid monthly.

Appropriation.

Section 12. **Appropriation.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of Four Thousand Seven Hundred Fifty Dollars ($4,750) for the year 1933 and the sum of Four Thousand Seven Hundred Fifty Dollars

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Not affected by Budget Act.

($4,750) for the year 1934, or a total of Nine Thousand Five Hundred Dollars ($9,500), for the purposes of this Act. This appropriation shall be deemed a supplemental appropriation within the meaning of the Budget Act but shall be valid upon the final passage of this Act by a majority vote of the members of both Houses of the Legislative Assembly.

Section 13. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 90

An Act Prescribing the Hours of Labor for Persons Employed in or About Sugar Refineries, and Providing Penalties for a Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Eight-hour day.

Section 1. A period of not to exceed eight (8) hours shall constitute a day's work for all persons employed in or about sugar refineries, except in a case of emergency when life and property are in danger.

Penalty for violation.

Section 2. Any person, corporation, agent, manager or employer who shall violate the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars ($50), or more than Six Hundred Dollars ($600), or by imprisonment in the county jail for not less than thirty (30) days, nor more than seven (7) months, or by both such fine and imprisonment.

Exemptions.

Section 3. The provisions of this Act shall not apply to beet receiving station employees, or superintendents, master mechanics, beet end, sugar end and steffan house foreman.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 91

An Act Creating the Cherry Creek Game Preserve in Sanders County and Defining the Boundaries Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose and creation.

Section 1. For the better protection of game animals and birds, the following area in the Counties of Sanders and Mineral, State of Montana, is hereby set aside and established as the State Game Preserve, to be regulated by the laws relating to Game Preserves, and to be known as the Cherry Creek Game Preserve, to-wit:

Description of preserve.

Beginning at a point where the Northwest corner of Section 29, of Township 20 North of Range 8 East intersects the summit of the Coeur d'Alene Mountains, which is a point on the boundary line dividing Mineral and Sanders counties; thence in a Northeast direction along the divide between Wilkes Creek and Dry Creek to the Southwest corner of Section 36, Township 21 North, Range 30 West; thence one (1) mile North to the Northwest corner of Section 36; thence East along section line nine and one-half (9½) miles to Eddy Mountain; thence in a general Southerly direction along the divide between Eddy and Swamp Creek on the East, Cherry Creek on the West over Penrose Peak to Greenwood Hill on the South Boundary of Township 20 North, Ranges 28, 29 and 30 West, approximately fourteen (14) miles West along this Township line to the point of beginning. Excepting that all privately owned land purchased prior to this Act, under fence, within the limits of the Cherry Creek Game Preserve shall be excluded therefrom.

Exception.

What is unlawful within boundaries.

Section 2. It shall be unlawful for any person at any time to hunt, trap, kill, capture, molest, catch or take any game animals or birds of any kind whatever, within the limits of said Game Preserve, or to discharge any firearms or create any unusual disturbances tending to frighten or drive away any game animals or birds within said Preserve; provided, however, that permits to capture animals or birds, for scientific purposes, or for purposes of propagation, and to destroy mountain lions, wolves, foxes, coyotes, wildcats, mink and other preda-

Permits may be granted.

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tory animals or birds may be issued by the State Game Warden, upon the payment of such fee and in accordance with such regulations as may be established for said Preserve by the State Fish and Game Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Penalty.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 7, 1933.

CHAPTER 92

An Act Permitting Justices of the Peace in Certain Cases to Hold Court Outside Their Respective Townships and Amending Sections 8834 and 8835, Revised Codes of Montana, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8834 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Place and term of Justice Court.

"Section 8834. A Justice's Court may be held at any place selected by the Justice holding the same, in the township for which he is elected or appointed; and such Court is always open for the transaction of business, except on legal holidays and non-judicial days; provided, that said Justice may hold Court beyond the limits of his township as provided in Section 8835 of this Code."

Section 2. That Section 8835 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

May transfer to court of any Justice in county.

"Section 8835. A Justice of the Peace of any township may hold the Court of any other Justice of the Peace of the same county at his request, and while so acting is vested with the power of the Justice for whom he so

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holds Court, in which case the proper entry of the proceedings before the attending Justice, subscribed by him, must be made in the docket of the Justice for whom he so holds the Court; provided, further, that whenever it shall appear to said Justice that, in any criminal case because of the distance and number of witnesses involved, it would effect a substantial saving to hold Court in a township beyond the limits of his township, he shall issue his certificate of necessity therefor and notify the Justice or Justices of said township wherein said Court is to be held, and shall enter said order on his docket. In such an event the said Justice shall have full and complete jurisdiction to hold said Court in said designated township. The actual traveling expenses of said Justice in holding Court outside the confines of his township shall be a proper charge against the county."

Must keep docket.

Necessity for change.

Full and complete jurisdiction.

Expense shall be paid by county.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 93

An Act Permitting Evan K. Heatherley of Cascade County, Montana, to File a Claim for Compensation for Alleged Industrial Accident, Injury and Disability After Expiration of Six (6) Months from the Date of the Happening of the Alleged Accident, Injury and Disability.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Industrial Accident Board is hereby authorized and empowered to allow the filing of a compensation claim with the Industrial Accident Board by Evan K. Heatherley by reason of an alleged industrial accident, injury and disability, suffered by him in the course of his employment. The Board shall investigate and determine the validity of said compensation claim and shall consider it to have the same status and effect

Evan K. Heatherley industrial accident claim allowed.

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as if it had been presented within six (6) months from the date of the happening of the alleged accident, injury and disability.

Section 2. This is hereby deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 94

An Act to Amend Section 10651 of the Revised Codes of Montana of 1921, Relating to Depositions; Providing for the Physical Examination of a Party to an Action When Material; Prescribing the Terms and Method of Such Examination.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10651 of the Revised Codes of Montana be, and the same is hereby amended to read as follows:

Who may have a deposition.

How to be taken.

Notice.

Judge may shorten notice.

Physical examination may be had.

"Section 10651. Either party may have the deposition taken of a witness in this state, in either of the cases mentioned in Section 10645, before a judge or officer authorized to administer oaths, on serving upon the adverse party previous notice of the time and place of examination, together with a copy of an affidavit showing that the case is within that section. Such notice must be at least five (5) days, adding also one day for every twenty-five (25) miles of the distance of the place of examination from the residence of the person to whom the notice is given, unless, for a cause shown, a judge, by order, prescribe a shorter time. When a shorter time is prescribed, a copy of the order must be served with the notice. At the time of taking the deposition of a party as a witness in any action or proceeding wherein the physical condition of such party is material, the party taking such deposition shall have the right to require the party whose deposition is being taken to submit to a physical examination by a physician selected by the party taking, or for whose benefit said deposition is

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being taken, but no party shall be required to submit to such physical examination until the same is duly authorized by the Court in which said action or proceeding, is pending, or a Judge thereof."

Must be authorized by Judge or Court.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 95

An Act Defining the Navigable Public Waters of the State and Authorizing Anglers to Go Along Such Waters for the Purpose of Fishing Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All lakes, wholly or partly within this state, which have been meandered and returned as navigable by the surveyors employed by the Government of the United States, and all lakes which are navigable in fact are hereby declared to be navigable and public waters, and all persons shall have the same rights therein and thereto that they have in and to any other navigable or public waters.

Definition and use of navigable waters.

Section 2. All rivers and streams which have been meandered and returned as navigable by the surveyors employed by the Government of the United States, and all rivers and streams which are navigable in fact are hereby declared navigable.

Section 3. Navigable rivers, sloughs or streams between the lines of ordinary high water thereof, of the State of Montana, and all rivers, sloughs and streams flowing through any public lands of the state, shall hereafter be public waters for the purpose of angling, and any rights of title to such streams, or the land between the high water flowlines or within the meander lines of navigable streams, shall be subject to the right of any person owning an angler's license of this state who desires to angle therein or along their banks to go upon the same for such purpose.

Anglers authorized to go along such waters to fish.

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Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 96

An Act to Amend Section 6198 of the Revised Codes of the State of Montana, 1921, and to Authorize and Empower Mutual Rural Insurance Companies to Insure Rural School Houses and Buildings Used in Connection Therewith, Community Houses, Churches and Other Public Places Owned by Rural Communities, and to Amend its By-Laws so as to Authorize Such Insurance.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6198, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

"Section 6198. No corporation organized under the provisions of Chapter 17 of the Revised Codes of Montana, 1921, shall insure any property not owned by a member, or by his wife; provided, however, that any such corporation may insure school houses and buildings used in connection therewith, community houses or churches and no such contract of insurance effected upon the property of any school district shall be deemed to constitute such school district a member of such Mutual Rural Fire Insurance Company, nor shall any such contract of insurance be invalid by reason of the fact that the directors or any director or officer of such Mutual Rural Fire Insurance Company, at the time of issuing the contract or policy of insurance, is a trustee, director, agent, custodian or manager, or in anywise in control, supervision or management of such school house and buildings, community house, church or other rural public buildings or property so insured. It is further provided that no insurance shall be written, or taken by any such corporation upon any property situated within the limits of an incorporated city or town."

What may be insured.

Proviso.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. Any Mutual Rural Insurance Company organized under Chapter 17 of the Revised Codes of Montana, 1921, may so amend its by-laws so as to authorize such company to insure any of the properties mentioned in Section 1 of this Act. May amend by-laws.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 97

An Act Relating to Property Rights in Domesticated Fur-Bearing Animals, Providing for Brands Upon Same; Recording Such Brands and Prescribing Fees Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Property Rights in Domesticated Animals.** That fur-bearing animals which of their nature, in the absence of efforts for their domestication, are known as wild, whenever the same shall have been brought into or born in restraint or captivity, whether in or upon reserves, preserves, parks, ranches or other premises of lands or waters possessed or operated in whole or part for the preservation, culture, breeding or growing of such animals in a state of whole or partial domestication, and wherein or whereon routine attention is given to such preservation, culture, breeding or growing of such animals, are and shall be, together with their offspring and increase, the subjects of ownership, lien and all kinds of absolute and other property rights (the same as purely domestic animals) in whatever situation, location or condition such animals may thereafter come or be, and regardless of their remaining in or escaping from such restraint or captivity; provided, however, that such escaped animals must bear a registered brand or tattoo, pursuant to Section 2 of this Act, to be subject to private ownership. What animals are included.

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May adopt a brand or tattoo.

Section 2. **Brands—Recording—Fees.** That any owner or prospective owner of such animals in restraint or captivity shall be entitled from time to time, by written subscribed statement, to adopt distinctive brands or tattoo marks, and not including arabic numerals and not already in known use by others, for any of such animals and to have such distinctive brands and tattoo marks recorded in his name in the office of the Secretary of the Livestock Commission, upon paying a recording fee of Four Dollars ($4.00) for each such brand and for each such tattoo marks. Such statements shall be recorded in a suitable book to be kept therefor in said office. The presence of such recorded brand or recorded tattoo marks upon any such animal shall be prima facie evidence of the ownership of such animal in the person, persons, association or corporation in whose name such brand or tattoo mark is so recorded, subject always to his, their or its right to make due transfer of title, right or interest in, or lien upon such animal.

Where recorded.

Fee.

Prima facie evidence.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 98

An Act to Permit the Withdrawal of Lands from an Irrigation District and the Organization of the Same Into a Separate District or the Consolidation Thereof with a Different Existing District, and Repealing All Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That whenever the holders of title or evidence of title to a part of the lands of an irrigation district organized and existing under the provisions of Section 7166 of the Revised Codes of Montana of 1921, as amended by Section 1 of Chapter 157 of the Session Laws of 1923 and by Chapter 112 of the Session Laws of 1925,

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which said lands lie within and are served by an irrigation and/or drainage project constructed, operated and maintained by the United States, desire a separation of said lands from said irrigation district for the purpose of forming a new district or combining with another existing district in order to cooperate with the United States as in said Chapter 112, provided, said separation, organization of a new district or combination with another existing district may be effected by petitioning the District Court of the county in which the lands of the district, or the greater portion thereof, are situated, for an order or decree changing the boundaries of the district by the elimination therefrom of such lands and their incorporation in another existing district or in a new and separate district; provided that such changes shall not otherwise impair or affect the organization of the district now including said lands or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable had such changes not been made.

Allowing withdrawal of lands from district.

May organize new district or consolidate with another.

Not impair district now included.

Section 2. The petition for this purpose must be signed by at least seventy-five per cent (75%), both in number and in acreage, of the holders of title or evidence of title (evidence as provided in Section 7166, as amended) of the lands proposed to be eliminated from one district and incorporated in another existing district or in a new and separate district; provided, that such petition must also bear the signature of the Secretary of the Interior of the United States, approving such proposed changes in district organization; and provided further, that construction costs and other obligations due or to become due to the United States on account of the lands so separated and the participation of the owners thereof in contracts in effect between the original district and the United States, or between the district to be extended by the addition of said lands and the United States, shall be fixed and determined by said Secretary of the Interior.

Petition requirements.

Obligations must be arranged.

Section 3. When said petition is duly presented to the District Court, all further proceedings with reference to lands, the owners of which seek to form a new and sep-

Effect of presentation of petition.

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arate district, shall be as prescribed in Sections 7166 and 7173 of the Revised Codes of Montana of 1921 as amended, and all further proceedings with reference to lands, the owners of which desire that they be incorporated in another existing district, shall be as prescribed in the last four (4) paragraphs of Section 7189 of the Revised Codes of Montana of 1921, insofar as said provisions are not inconsistent with the purposes of this Act.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 99

An Act Providing That Each Legislative Assembly Shall Fix the Compensation of All Employees of the House and Senate for That Particular Session, Not to Exceed, However, the Compensation Now Allowed by Law.

Be it enacted by the Legislative Assembly of the State of Montana:

Compensation of House and Senate employees.

Section 1. Each Legislative Assembly after the Twenty-third, shall fix the compensation of all employees of the House and Senate for each particular Session, not, however, exceeding the compensation now allowed by law for such employees.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 100

An Act Relating to the Issue of Funding or Refunding Bonds by Incorporated Cities and Towns, and Amending Section 1 of Chapter 160 of the 1931 Session Laws of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 160 of the 1931 Session Laws of the State of Montana be, and is hereby amended to read as follows:

"Section 1. **Creation of Indebtedness—Submission to Taxpayers.** Whenever the Council of any city or town having a corporate existence in this state, or hereafter organized under any of the laws thereof, shall deem it necessary to issue bonds for any purpose whatever, under its powers as set forth in Subdivision 64 of Section 5039 of the Revised Codes of Montana, 1921, or amendments thereto, the question of issuing such bonds shall first be submitted to the qualified electors of such city or town in the manner hereinafter set forth; provided, however, that it shall not be necessary to submit to such electors the question of issuing funding or refunding bonds to fund or refund warrants or bonds issued prior to and outstanding on the first day of July, 1931, or to fund or refund warrants or bonds issued prior to and outstanding on the first day of July, 1933. In order to issue bonds to fund or refund warrants or bonds issued prior to and outstanding on July 1, 1931, or to fund or refund warrants or bonds issued prior to and outstanding on July 1, 1933, it shall only be necessary for the Council, at a regular or duly called special meeting, to pass and adopt a resolution setting forth the facts in regard to the indebtedness to be funded or refunded, showing the reason for issuing such bonds and fixing and determining the details thereof, giving notice of the sale thereof in the same manner that notice is required to be given of the sale of bonds authorized at an election, and then following the procedure prescribed in this Act for the sale and issuance of such bonds."

How to issue bonds.

Must submit to qualified electors.

Proviso covering funding or refunding bonds of certain date.

Section 2. This Act shall be in full force and effect on and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 101

An Act to Provide for the Construction of a Steel Wire Cable Guard Fence Around a Portion of Silver Lake, Situated in the County of Deer Lodge, and Providing for the Cost of Said Construction to be Paid Out of the Funds of the State Highway Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Wire cable fence.

Section 1. There shall be constructed a substantial steel wire cable guard fence with posts five (5) feet apart and with two (2) independent lines of cable around the northern perimeter of Silver Lake located in Deer Lodge county, commencing at a point on the eastern end of the north side of the lake where the main highway makes its first contact with north perimeter of said lake and extending continuously therefrom along the northern perimeter of said lake, paralleling the main highway, to a point on the western end of the said lake where the main highway diverges from the border of the lake.

Where to be placed.

By whom to be planned and built.

Section 2. The Chief Engineer of the State Highway Commission shall immediately cause to be made necessary maps, profiles, plans and specifications for the construction of said steel wire cable guard fence and shall cause the construction of the same to be commenced at the first possible date after the passage of this Act.

How to be paid.

Section 3. The cost of constructing the within provided for steel wire cable guard fence shall be paid from funds now available out of the State Highway Commission fund.

Saving clause.

Section 4. If any section of this Act be held unconstitutional or invalid, such decision shall not affect the remaining parts of this Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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CHAPTER 102

An Act Defining the Offense of Kidnaping and Relating to the Trial of Same and the Punishment Therefor and to Repeal Sections 10970, 10971 and 10972 of the Revised Codes of Montana of 1921 in Relation to Kidnaping.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Kidnaping.** If any person or persons shall wilfully, without lawful authority, seize, confine, inveigle, decoy, kidnap or abduct or take or carry away by any means whatever, or attempt so to do, any child of any age, or any person or persons and attempt or cause such child or person or persons to be secretly confined against their will, or abducted for the purpose and with the intention of causing the father or mother or any other relative of the person so abducted, or anyone else, to pay or offer to pay any sum as ransom or reward for the return or release of any such child or person or persons, said person or persons so guilty of the above mentioned acts or act, shall, on conviction, be punished by death or imprisonment in the penitentiary not less than five (5) years, at the option of the Court or the jury assessing the punishment. Any person or persons charged with such offense may be tried in any county into or through which the person or child so seized, inveigled, decoyed, kidnaped, abducted or otherwise taken shall have been carried or brought.

Definition of kidnaping.

Penalty.

Place of trial.

Section 2. If any person shall wilfully and without lawful authority, forcibly seize, confine, inveigle, decoy or kidnap any person, with intent to cause such person to be sent or taken out of this state, or to be secretly confined within the same against his will, or shall forcibly carry or send such person out of this state against his will, he shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten (10) years. Any person charged with such offense may be tried in any county into or through which the person so seized, inveigled, decoyed or kidnaped shall have been taken, carried or brought.

Unauthorized removal from state.

Penalty.

Place of trial.

Section 3. **Enticing Away Child.** Every person who shall maliciously, forcibly or fraudulently lead, take or

Enticing children.

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carry away or decoy or entice away any child under the age of twelve (12) years, with the intent to detain or conceal such child from its parent, guardian or other person having the lawful charge of such child, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding twenty (20) years, or in a county jail not less than six (6) months, or by fine not less than Five Hundred Dollars ($500).

Penalty.

Repealing clause.

Section 4. That Sections 10970, 10971 and 10972 of the Revised Codes of Montana of 1921 are hereby specifically repealed and all Acts and parts of Acts in conflict herewith are hereby repealed.

Saving clause.

Section 5. The repeal of Sections 10970, 10971 and 10972 of the Revised Codes of Montana of 1921, does not constitute a bar to the indictment or information and punishment of any act already committed in violation of such sections.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

CHAPTER 103

An Act to Amend Section 1760, Revised Codes of Montana, 1921, as Amended by Chapter 107, Session Laws 1923; Chapter 88, Session Laws 1927; Chapter 182, Session Laws 1929 of Montana, to Amend Section 4 of Chapter 158, Session Laws 1931; and to Repeal Section 3 of Chapter 158, Session Laws 1931; All Relating to the Registration and Registration Fees of Motor Vehicles and Dealers of Motor Vehicles, and the Distribution of the Revenues Received from Motor Registration Fees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1760, Revised Codes of Montana, 1921, as amended by Chapter 107, Session Laws 1923; Chapter 88, Session Laws 1927; and Chapter 182, Session Laws 1929, be, and the same is hereby amended so as to read as follows:

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"Section 1760. **Registration Fees.** Registration fees shall be paid upon registration or re-registration of motor vehicles, trailers, semi-trailers and dealers in motor vehicles or automobile accessories in accordance with this Act, as follows:

What shall pay registration fee.

Dealers in motor vehicles other than motorcycles, a minimum fee of Thirty Dollars ($30.00) which shall entitle such dealer to two (2) sets of number plates, and Five Dollars ($5.00) additional fee for each additional set of number plates up to six (6) sets, and Two Dollars ($2.00) additional fee for each additional set of number plates, as may be applied for by such dealer;

Amount of fees.

Dealers in motorcycles, Fifteen Dollars ($15.00);

Dealers in automobile accessories, except automobile dealers, Ten Dollars ($10.00);

Motor vehicles weighing twenty-seven hundred and fifty (2750) pounds, or under, other than motor trucks, Ten Dollars ($10.00); motor vehicles weighing over twenty-seven hundred and fifty (2750) pounds, other than motor trucks, Ten Dollars ($10.00);

Electrically driven passenger vehicles, Ten Dollars ($10.00);

All motorcycles, Two Dollars ($2.00);

Trucks of one (1) ton capacity or under, Five Dollars ($5.00); trucks from one (1) ton to one and one-half (1½) ton capacity, Ten Dollars ($10.00);

Trucks over one and one-half (1½) tons and not over two (2) tons capacity, Twenty-two Dollars and Fifty Cents ($22.50);

Trucks over two (2) tons and not over three (3) tons capacity, Thirty-seven Dollars and Fifty Cents ($37.50);

Trucks over three (3) tons and not over five (5) tons capacity, Sixty Dollars ($60.00);

Trucks over five (5) tons capacity, Two Hundred Dollars ($200);

Busses shall be classed as motor trucks and licensed accordingly;

Trailers and semi-trailers, over one thousand (1000) pounds and not over one (1) ton, Two Dollars ($2.00);

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Trailers and semi-trailers, over one (1) ton, Five Dollars ($5.00);

25% higher when without pneumatic tires.

All rates to be twenty-five per cent (25%) higher for motor vehicles, trailers and semi-trailers, when not equipped with pneumatic tires;

Bicycle with motor attachment, One Dollar ($1.00).

Disposition of fees.

The Registrar of Motor Vehicles shall first deduct from all fees paid to him under the provisions of this Act and under the provisions of Chapter 113, Session Laws 1925, the actual cost of making and shipping all application, receipt and certificate forms and license plates and shall transmit the remainder of the fees so paid to the county from which the registration or other fee came to be used in the manner and amounts as follows:

City road fund.

Cities of 35,000 or more.

(a) Fifty per cent (50%) of the net fees derived from the registration of motor vehicles, the owners of which, reside within the boundaries of any incorporated city of the State of Montana, having a population of thirty-five thousand (35,000) or more, according to Federal Census 1930, shall be held by County Treasurer and segregated from other county road fund and be designated as 'City Road Fund', to be used in city from which fees were derived for the construction of permanent streets within the incorporated limits of such city.

How to be used by cities of 35,000 or more.

(b) The fees transmitted by the Registrar of Motor Vehicles as herein above provided, shall be used by the City Council of such city having the population of thirty-five thousand (35,000) or more, according to the Federal Census of 1930, only for the construction of permanent highways and streets within the boundaries of such incorporated city. Provided, that all construction of public highways and streets, the cost of which is to be paid out of the fund derived of the license fees as herein provided, shall be under the supervision of the County Surveyor of the county within whose boundaries such city is situated, subject to the control of the said City Council and Surveyor to designate the public highway or street upon which the work is to be done, and the type of pavement to be used, and provided further, that the cost of supervision of the County Surveyor shall not exceed five per cent (5%) of the cost of said work.

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(c) The net fees derived from the registration of motor vehicles shall be by the Registrar of Motor Vehicles transmitted to and paid over to the County Treasurer of the county from which the registration fee came, such fees excepting apportionment to city road fund to be used by said county for the construction, repair and maintenance of all public highways within the boundaries of said county, including city streets forming component parts of arterial highways within the corporate cities of less population than thirty-five thousand (35,000), according to the Federal Census 1930, within the boundaries of said county.

County fund.

How to be used.

If any dealer of motor vehicle or trailer or semi-trailer is originally registered six (6) months after the time of registration as set by law, the registration fee for the remainder of such year shall be one-half (½) of the regular fee above given.

Registration fee when for half of year or less.

A dealer in motor vehicles or automobile accessories who shall maintain more than one place of business or who shall maintain any branch establishment or establishments, must register and pay a registration fee for each such place of business or establishment.

Fee for each place of business.

A registered dealer who may sell and dispose of his entire business to any other person may have his certificate of registration transferred to such purchaser upon filing with the Registrar of Motor Vehicles a statement containing the name of the registered dealer, the number under which such dealer is registered, the name of the purchaser, and the location of the place of business so sold. Upon the filing of such statement, accompanied by a filing fee of One Dollar ($1.00), the Registrar of Motor Vehicles shall note upon the registration record of such dealer the change of ownership. But no certificate of registration can be so transferred unless the entire business of the dealer holding such certificate of registration be sold and disposed of, and no such certificate of registration can be transferred to any person other than the purchaser of such business.

Transfer of certificate of registration by dealer.

Filing fee.

Proviso.

The provisions of this Act with respect to the payment of registration fees shall not apply or be binding upon motor vehicles, trailers or semi-trailers owned or controlled by the United States of America or any state,

Exemptions.

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county or city, but in all other respects the provisions of this Act shall be applicable and binding upon motor vehicles, trailers and semi-trailers."

Saving clause.

Section 2. If any section or part of any section of this Act shall for any reason be held to be invalid, such holding shall not in any manner affect or invalidate the remaining portions of this Act.

Repealing clause.

Section 3. Section 3 of Chapter 158, Session Laws 1931, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1933.

CHAPTER 104

An Act Defining the Duration of Liens of Mortgages Upon Real Estate, and the Manner of the Extension Thereof, and Amending Section 8267, of the Revised Codes of Montana of 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8267, of the Revised Codes of Montana of 1921, be, and the same is hereby amended so as to read as follows:

Duration and extension of time on a mortgage of real property.

"Section 8267. Every mortgage of real property made, acknowledged, and recorded, as provided by the laws of this state, shall be good as against all from the time it is so recorded until eight years after the maturity of the entire debt or obligation secured thereby and no longer, unless the mortgagee, his heirs, executors, administrators, representatives, or assigns shall, within sixty days after the expiration of said eight years, file in the office of the County Clerk where said mortgage is recorded, an affidavit, setting forth the date of said mortgage, when and where recorded, the amount of the debt secured thereby, and the amount remaining unpaid, and that the said mortgage is not renewed for the purpose of hindering, delaying, or defrauding creditors of

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the mortgagor or owner of the land, and upon the filing of said affidavit, the said mortgage shall be valid against all persons for a further period of eight years."

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1933.

CHAPTER 105

An Act to Limit, Regulate and License the Manufacture and Sale of Any and All Liquors or Beverages That May Hereafter be Manufactured, Sold or Dispensed in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This Act may be cited as the "State Liquor Control Act of Montana."

Section 2. The following words and phrases used in this Act shall take the following interpretations: Definitions.

(a) "Board" means the board created by this Act under the name of "Montana Liquor Control Board;" Board.

(b) "Club" shall mean any association of individuals for purposes of mutual entertainment and convenience and shall include the premises occupied or used for any such purpose; Club.

(c) "Club License" means a club license granted to a club to sell beer under Section 29 of this Act, and "Club Licensee" means a club which has been granted a license under said section; Club license.

(d) "Dentist" means a person duly licensed to practice dentistry under the laws of the State of Montana; Dentist.

(e) "Druggist" means a duly licensed pharmacist under the laws of the State of Montana; Druggist.

(f) "State Liquor Store" means a state liquor store established under this Act; State Liquor Store.

(g) "Hotel" shall mean any place where the public may for a consideration, obtain sleeping accommodation, with or without meals; Hotel.

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Interdicted person.

(h) "Interdicted Person" means a person to whom the sale of liquor is prohibited by an order under this Act;

Liquor.

(i) "Liquor" or "Liquors" means and includes any alcoholic, spirituous, vinous, fermented, malt or other liquor, which contains more than one per centum (1%) of alcohol by weight;

Municipality.

(j) "Municipality" means any city, town, village, hamlet, municipal district (exclusive of any hamlet situate therein), and includes the council of the municipality; and "municipal" shall have a like meaning;

Member of a club.

(k) "Member of a Club" means a person who, whether as a charter member or admitted in accordance with the by-laws or rules of a club, has become a member thereof, who maintains his membership by the payment of his regular periodic dues in the manner provided by such rules or by-laws and whose name and address are entered on the list of members supplied to the Board at the time of the application for a club license under this Act, or if admitted thereafter, within ten days after his admission;

Package.

(l) "Package" means any container or containers, or receptacle or receptacles used for holding liquor;

Permit.

(m) "Permit" means a permit for the purchase of liquor issued under this Act;

Physician.

(n) "Physician" means a person duly licensed to practice medicine in the State of Montana;

Prescription.

(o) "Prescription" means a memorandum in the form prescribed by the regulations made under the authority of this Act, signed by a physician, and given by him to a patient for the obtaining of liquor pursuant to this Act for use for medicinal purposes;

Public place.

(p) "Public Place" includes any place, building, or conveyance to which the public has or is permitted to have access and any place of public resort;

Residence.

(q) "Residence" means a building, or part of building, or tent, where a person resides but shall not include any part of a building which part is not actually and exclusively used as a private residence, nor any part of a hotel other than a private guest room, nor a club or

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any part thereof, nor any place from which there is access to a club or hotel except through a street or lane or other open and unobstructed means of access, nor any portion of a building used in part for business purposes unless such portion is separated from the part used for business purposes by a wall or walls having no doors or other means of access opening into such part used for business purposes;

Regulations.

(r) "Regulations" means regulations made by the Montana Liquor Control Board.

Sale and sell.

(s) "Sale" and "Sell" include exchange, barter, and traffic; also include the selling or supplying or distributing, by any means whatsoever, of liquor or of any liquid known or described as beer or near-beer, or by any name whatever commonly used to describe malt or brewed liquor, by any partnership or by any society, association, or club, whether incorporated or unincorporated, and whether heretofore or hereafter formed or incorporated, to any partnership, society, association or club or to any member thereof;

Spirits.

(t) "Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution and includes, among other things, brandy, rum, whisky and gin;

Vendor.

(u) "Vendor" means a person appointed as a vendor under this Act;

Wine.

(v) "Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits (grapes, apples, etc.); or other agricultural products containing sugar (honey, milk, etc.);

Malt liquor.

(w) "Malt Liquor" means any beverage, other than beer, obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops in drinkable water.

Main divisions of Act.

Section 3. This Act is divided into six parts. Part I relates to the creation of a Board to administer this Act and the powers and functions of the Board. Part II relates to the establishment of State Stores and the keeping and selling of liquors. Part III relates to the formation of "Local Option Areas" and the holding of

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election therein. Part IV relates to prohibitions, interdiction, penalties and procedure on prosecution and on appeal. Part V relates to property acquired by the Board, and the financing and accounting by the Board and application of the profits. Part VI relates to general and miscellaneous matters.

PART I

Administration of This Act, Creation of Board, and its Powers and Functions.

Montana Liquor Control Board.

Section 4. The State Board of Examiners, ex-officio, shall constitute the "Montana Liquor Control Board", and such Board shall have the powers and duties herein specified, and the administration of this Act including the general control, management and supervision of all state liquor stores; and the members thereof shall not receive any additional compensation for their services other than their salaries prescribed by law.

Section 5. The principal office of the Board shall be in the City of Helena.

Secretary of Board.

Section 6. The Board shall have authority to employ a Secretary thereof, who shall not be a member of the Board, and said Secretary shall devote his whole time and attention to the business of the Board and shall follow no other occupation whatever. The Secretary of the Board shall receive an annual salary of Thirty-six Hundred Dollars ($3600.00), and shall file a bond in the sum of $10,000.00 (Ten Thousand Dollars) conditioned upon the correct accounting of all moneys coming into his office.

Compensation.

Bond.

Term of office.

Section 7. The Secretary of the Board shall hold his office during the pleasure of the Board.

Power and duties of Board.

Section 8. The Board shall have the following functions, duties and powers:

(a) To buy, import, and have in its possession for sale, and sell, liquors, in the manner set forth in this Act;

(b) To control the possession, sale and delivery of liquors in accordance with the provisions of this Act;

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(c) To determine the municipalities within which State Liquor Stores shall be established throughout the state, and the situation of the stores within every such municipality;

(d) To grant, refuse or cancel permits for the purchase of liquor;

(e) To lease, furnish and equip any building or land required for the operation of this Act;

(f) To buy or lease all plant and equipment it may consider necessary and useful in carrying into effect the objects and purposes of this Act;

Employ vendors and other officers and employees.

(g) To appoint vendors, and also every officer, inspector, clerk or other employee, required for the operation or carrying out of this Act, and to dismiss the same, fix their salaries or remuneration, assign them their title, define their respective duties and powers, and to engage the service of experts and persons engaged in the practice of a profession, if deemed expedient;

(h) To appoint officials to issue and grant permits under this Act;

Determine kind of packages.

(i) To determine the nature, form and capacity of all packages to be used for containing liquor kept or sold under this Act; provided that all spirituous and vinous liquors shall be purchased and sold only in bottled containers in the original packages, and not in barrels or bulk, it being the intent and purpose of this Act to prevent the rectification or dilution of such liquors;

Proviso.

(j) To grant and issue licenses under and in pursuance to this Act;

General power.

(k) Without in any way limiting, or being limited by the foregoing, to do all such things as are deemed necessary or advisable by the Board for the purpose of carrying into effect the provisions of this Act, or the regulations made thereunder.

Board may make regulations.

Section 9. (1) The Board may make such regulations, not inconsistent with this Act, as to the Board seem necessary, for carrying out the provisions of this Act, and for the efficient administration thereof.

Scope of regulations.

(2) Without thereby limiting the generality of the provisions contained in Subsection 1 hereof, it is de-

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clared the power of the Board to make regulations in the manner set out in that subsection shall extend to and include the following:

Equipment and management of stores.

(a) Regulating the equipment and management of State Stores and Warehouses in which liquor is kept or sold and prescribing the books and records to be kept therein;

Prescribing duties of employees.

(b) Prescribing the duties of the officers, clerks and servants of the Board, and regulating their conduct while in the discharge of their duties;

Purchase of liquor.

(c) Governing the purchase of liquor and the furnishing of liquor to State Stores established under this Act;

Determining brands, etc.

(d) Determining the classes, varieties and brands of liquor to be kept for sale at any State Store.

Prescribing days and hours of sale.

(e) Prescribing, subject to this Act, the days and hours during which State Liquor Stores and hotels, and clubs licensed to sell beer under this Act shall be kept open for the sale of liquor;

Issuing price lists.

(f) Providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each class, variety or brand of liquor kept for sale under this Act;

Prescribing seals and labels.

(g) Prescribing an official seal and official labels and determining the manner in which such seal or label shall be attached to every package of liquor sold or sealed under this Act, including the prescribing of different official seals or different official labels for different classes, varieties and brands of liquor;

Prescribing forms.

(h) Prescribing forms to be used for the purpose of this Act or of the regulations made thereunder, and the terms and conditions in permits and licenses issued and granted under this Act;

Prescribing proof for duplicate permit.

(i) Prescribing the nature of the proof to be furnished, and the conditions to be observed in the issuing of duplicate permits in lieu of those lost or destroyed;

Prescribing kind of liquor to be bought under permit, also quantity.

(j) Prescribing the kinds and quantities of liquor which may be purchased under permits of any class, including the quantity which may be purchased at any one time or within any specified period of time;

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Prescribing records and reports.

(k) Prescribing the form of records of purchase of liquor by the holders of permits, and the reports to be made thereon to the Board, and providing for inspection of the records so kept;

Prescribing manner of notice.

(l) Prescribing the manner of giving and serving notices required by this Act or the regulations thereunder;

Prescribing duties of officials.

(m) Prescribing the duties of officials authorized to issue permits under this Act;

Prescribing fees.

(n) Prescribing the fees payable in respect of permits and licenses issued under this Act for which no fees are prescribed in this Act, and prescribing the fees for anything done or permitted to be done under the regulations made thereunder;

Prescribing club regulations.

(o) Prescribing, subject to the provisions of this Act, any advertisement of the application, if required by the Board and the conditions and qualifications necessary for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, and the number of licensed clubs in any municipality, and providing for the inspection of clubs;

Prescribing rules and regulations pertaining to beer license.

(p) Prescribing, subject to the provisions of this Act, the conditions and qualifications necessary for the obtaining of a beer license, and the books and records to be kept and the returns to be made by the licensees and the number of such licensed premises in any municipality and providing for the inspection of such licensed premises;

(q) Specifying and describing the place and the manner in which liquor may be lawfully kept or stored;

Prescribing regulation governing time and period for lawful conveyance.

(r) Specifying and regulating the time and periods when, and the manner, methods and means by which, vendors and brewers shall deliver liquor under this Act, and the time and periods when, and the manner, methods and means by which liquor, under this Act, may be lawfully conveyed or carried;

(s) Governing the conduct, management and equipment of any premises licensed to sell beer under this Act;

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(t) Subject to this Act, to make regulations respecting the sale and consumption of beer in a club, holding a club license;

Impose and collect tax.

(u) Providing for the imposition and collection of the tax to be collected or levied under Section 42 of this Act, and making regulations respecting returns to be made by a brewer, and respecting the accounting and payment, by a brewer to the Board, of the tax to be collected by him under said Section 42.

General power of Board.

(3) Whenever it is provided in this Act that any act, matter or thing, may be done, if permitted or authorized by the regulations, or may be done in accordance with the regulations or as provided by the regulations, the Board, subject to the restrictions set out in Subsection 1 hereof, shall have the power to make regulations respecting such act, matter or thing.

PART II

Establishment of Government Stores and the Keeping and Selling of Liquors.

State Liquor Stores.

Section 10. The Board shall establish and maintain at county seats stores to be known as "State Liquor Stores" for the sale of liquor in accordance with the provisions of this Act, and the regulations made thereunder, and the Board may from time to time fix the prices at which the various classes, varieties and brands of liquor may be sold, which prices shall be the same at all such State Stores. Such State Liquor Stores shall be and remain open from the hour of 12:00 o'clock noon until the hour of 9:00 o'clock in the evening each and every day, save and except that they shall be closed for the transaction of business on Sundays, legal holidays and election days.

Board may fix prices.

Prices to be same all over state.

Hours and days when stores shall be open.

Appointment and duty of vendor.

Section 11. The sale of liquor at each State Liquor Store shall be conducted by a person appointed under this Act to be known as a "Vendor", who shall, under the directions of the Board, be responsible for the carrying out of this Act, and the regulations made thereunder, so far as they relate to the conduct of such store and the sale of liquor thereat.

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When vendor may sell.

Section 12. (1) A vendor may sell to any person, who is the holder of a subsisting permit, such liquor as that person is entitled to purchase under such permit, in conformity with the provisions of this Act and the regulations made thereunder.

Requirements before delivery of liquor other than beer.

(2) Before the vendor shall make delivery of any liquor, other than beer, sold pursuant to this section, he shall—

Order.

(a) have first received an order in writing, dated and signed by the purchaser, setting out the number of his permit and the kind and quantity of the liquor ordered; and

Permit.

(b) have received from the purchaser his permit and shall have endorsed thereon the kind and quantity of the liquor sold and the date of sale; and

Cash price.

(c) have been paid the purchase price in cash.

Requirements as to sale of beer.

(3) A vendor may, in accordance with this Act, and the regulations made thereunder, sell and deliver beer to any person who is the holder of a subsisting permit entitling him to purchase beer under this Act, and to a licensee who is the holder of a subsisting license under this Act to keep and sell beer; provided that no delivery of beer sold under the provisions of this section shall take place until the purchaser has paid for the same in the manner prescribed in the regulations under this Act.

Vendor may sell to physician.

Section 13. A vendor may sell liquor to any person upon the prescription of a physician given pursuant to this Act, but no more than one sale and one delivery shall be made on any one prescription.

Requirement as to container.

Section 14. No spirits or wine shall be sold to any purchaser, except in a package, sealed with the official seal prescribed by this Act, which package shall not be opened on the premises of a State Store.

No liquor may be consumed on premises of State Store.

Section 15. No officer, clerk or servant of the Board, employed in the State Store, shall allow any liquor to be consumed on the premises of a State Store, nor shall any person consume any liquor on such premises.

Restrictions on sale days.

Section 16. No sale or delivery of liquor shall be made on or from the premises of any State Liquor Store, nor shall any store be open for the sale of liquor—

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(a) After the hour of eight o'clock in the afternoon of any day;

(b) On any holiday;

Days of elections.

(c) On any day on which polling takes place at any national or state election held in the electoral district in which the Store is situated;

(d) On any day on which polling takes place at any municipal election held in the municipality in which the Store is situated;

(e) During such other period and on such other days as the Board may direct.

Provision as to conveyance of liquors.

Section 17. It shall be lawful to carry or convey liquor to any State Store, and to and from any warehouse or depot established by the Board for the purposes of this Act, and when permitted so to do by this Act and the regulations made thereunder, and in accordance therewith, it shall be lawful for any common carrier, or other person, to carry or convey liquor sold by a vendor from a State Store, or beer, when lawfully sold by a brewer, from the premises wherein such beer was manufactured, or from premises where the beer may be lawfully kept and sold, to any place to which the same may be lawfully delivered under this Act, and the regulations made thereunder;

Unlawful to open during transit.

Provided that no such common carrier or any other person, shall open, or break, or allow to be opened or broken, any package or vessel containing liquor, or drink or use, or allow to be drunk or used, any liquor therefrom, while being so carried or conveyed.

PERMITS

Classes of permits.

Section 18. (1) There shall be two classes of permits under this Act:

(a) Individual permits;

(b) Special permits.

Application for permit.

(2) Upon application in the prescribed form being made to the Board, or to any official authorized by the Board to issue permits, accompanied by payment of the prescribed fee, and upon the Board, or such official be-

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ing satisfied that the applicant is entitled to a permit for the purchase of liquor under this Act, the Board or such official shall issue to the applicant a permit of the class applied for, as follows:

Individual permit for resident.

(a) An "Individual Permit" in the prescribed form may be granted to an individual of the full age of twenty-one years, who has resided in the state, for the period of at least one month immediately preceding the date of his making the application, and who is not disqualified under this Act, entitling the applicant to purchase liquor for beverage, medicinal or culinary purposes, in accordance with the terms and provisions of the permit, and the provisions of this Act, and the regulations made thereunder;

Individual permit for temporary resident or sojourner.

(b) An "Individual Permit" in the prescribed form may be granted to an individual of the full age of twenty-one years, who is temporarily resident or sojourning in the state, and who is not disqualified under this Act, entitling the applicant during a period not exceeding one month to purchase liquor for beverage, medicinal, or culinary purposes, in accordance with the terms and provisions of the permit, and the provisions of this Act and the regulations made thereunder.

"Special permit."

(c) A "Special Permit" in the prescribed form may be granted to a druggist, physician, dentist, or veterinary, or to a person engaged within the state in mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling the applicant to purchase liquor for the purpose named in such "Special Permit", and in accordance with the terms and provisions of such "Special Permit" and in accordance with the provisions of this Act, and the regulations made thereunder;

Those to whom it may be granted.

Special permit for ministers.

(d) A "Special Permit" in the prescribed form may be granted to a minister of the Gospel, entitling the applicant to purchase wine for sacramental purposes only in accordance with the terms and provisions of such "Special Permit";

Special permit for authorized purpose.

(e) A "Special Permit" in the prescribed form may be granted, when authorized by the regulations, entitling the applicant to purchase liquor for the purpose named

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in the permit and in accordance with the terms and provisions of such permit, and of this Act, and the regulations made thereunder.

Resident permit fees.

(3) (a) For an individual permit under Clause (a) of Subsection 2 hereof—

All liquors.

Entitling holder to purchase spirits, wine, beer and malt liquor, the fee shall be Two Dollars;

Beer only.

Entitling holder to purchase beer only, the fee shall be One Dollar;

Single purchase of any liquor.

Entitling holder to make a single purchase, whether of spirits, wine, beer or malt liquor, the fee shall be Fifty Cents;

Fees for sojourner permit.

(b) For an individual permit under Clause (b) of Subsection 2 hereof—

All liquors.

Entitling holder to purchase spirits, wine, beer or malt liquor, the fee shall be One Dollar;

Single purchase of any liquor.

Entitling holder to make a single purchase whether of spirits, wine, beer or malt liquor, the fee shall be Fifty Cents;

Fees for special permits.

(c) The fees for a "Special Permit" under Clauses (c), (d) and (e) of Subsection 2 hereof shall be fixed and determined by the regulations made hereunder.

Party to disorderly house not allowed permit.

(4) No one, who has been convicted of keeping, frequenting or being an inmate of a disorderly house, shall be entitled to a permit until after the expiration of one year from the date of such conviction.

Board may cancel or refuse issuance of permit.

(5) Notwithstanding any other provisions of this Act, the Board may in its discretion cancel any subsisting permit or refuse or direct any official authorized to issue permits to refuse to issue a permit to any person and no official so directed shall issue any such permit.

Date of expiration of permits generally.

Section 19. Unless sooner cancelled, every permit shall expire at midnight on the thirty-first day of December of the year in respect to which the permit is issued, except in the case of—

Date of expiration of certain special permits.

(a) Special permits issued under Clause (e) of Subsection 2 of Section 18, which shall expire in accordance with the terms contained therein;

(b) A permit which, according to its terms, sooner expires.

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Not transferable.

Section 20. Every permit shall be issued in the name of the applicant therefor, and no permit shall be transferable, nor shall the holder of any permit allow any other person to use the permit.

Signature of applicant required.

Section 21. No permit shall be delivered to the applicant, until he has, in the presence of some person duly authorized by the Board, or in the presence of the official to whom the application is made, written his signature thereon in the manner prescribed by the regulations for the purposes of his future identification as the holder thereof, and the signature has been attested by a member of the Board, or other official authorized to issue the same.

Only one permit may be held by each person.

Section 22. No person, who is the holder of an unexpired individual permit under this Act, shall make application for or be entitled to hold any other individual permit whether of the same or another class; provided, however, that the holder of a subsisting and unexpired individual permit may, without any claim to, or for rebate, return such permit to the Board or official authorized to issue permits and then be entitled to make application for a permit under this Act, and any person whose permit has been lost or destroyed may apply to the Board or other official by whom the permit was issued, and upon proof of the loss or destruction of the permit and subject to the conditions contained in the regulations may obtain a duplicate permit in lieu of the permit so lost or destroyed, for which duplicate permit a fee of Fifty Cents shall be paid.

How to replace lost permit.

Where buyer shall dispense with liquor.

Section 23. (1) Liquor purchased by any person pursuant to a permit held by him may be kept, had, given, and consumed, only in the residence in which he resides, except as otherwise provided by this Act and the regulations made thereunder.

When residence becomes a public place.

(2) If the occupant of a residence or of any part thereof is convicted of keeping a disorderly house or of an offense against any of the provisions of this Act committed in or in respect of such residence or in respect of any liquor kept therein or removed therefrom, the same shall cease to be a residence within the meaning of this Act for a period of one year after the date of such conviction, and shall for such period be deemed to be a public place for the purposes of this Act:

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Effect of change of ownership when declared a public place.

Provided that the Board may, when satisfied of a bona fide change of ownership or occupation of such premises, or when it is desirable to do so, declare such premises to be a residence and may grant a certificate to such effect to the owner or occupant of such premises and such premises shall from the date of the granting of such certificate signed by the Chairman of the Board, be a residence and cease to be a public place within the meaning of this Act.

When Board may suspend or cancel permit.

Section 24. (1) Where the holder of any permit issued under this Act violates any of the provisions of this Act, or any regulations made thereunder, or is an interdicted person, or is otherwise disqualified from holding a permit, the Board, upon proof to its satisfaction of the fact, or existence of such violation, interdiction or disqualification, and in its discretion, with or without any hearing, may, by writing under the hand of any member of the Board, suspend the permit and all rights of the holder thereunder for such period as the Board sees fit, or may cancel the permit.

Power and limitation of Justice to suspend or cancel.

(2) The justice before whom any holder of a permit issued under this Act is convicted of a violation of any provision of this Act, or of the regulations made thereunder may cancel the permit or suspend the same for a period not exceeding one month, and thereupon the justice shall forthwith notify the holder and the Board of the suspension or cancellation of the permit.

Duty of party where permit is suspended.

Section 25. Upon receipt of notice of the suspension of his permit, the holder of the permit shall forthwith deliver up the permit to the Board, and if the holder of a permit, which has been suspended, fails or neglects to deliver the same to the Board, in accordance with the regulations made hereunder, the Board shall forthwith cancel the same. Where the permit has been suspended

Duty of Board as to suspension or cancellation of permits.

the Board shall return the permit to the holder at the expiration or determination of the period of suspension. Where the permit has been cancelled the Board shall notify all vendors and such other persons as may be provided by the regulations made under this Act, of the cancellation of the permit, and no permit shall be issued to the person whose permit is cancelled under this Act within the period of one year from the date of such cancellation.

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Provided, however, that the Board may direct the issue of a permit within said period of one year, if the person whose permit has been so cancelled has not been convicted of any offense under this Act. **Proviso.**

Section 26. Where a permit is produced at a State Store by a person who is not the holder of such permit, or where any permit is suspended or cancelled, or a permit, a duplicate of which has been issued, is produced at a State Store, the vendor shall retain such permit in his custody and shall forthwith notify the Board of the fact of its retention, and the Board, unless such permit has been cancelled, may forthwith cancel the same: **Duty of vendor when unauthorized parties present permits.**

Provided nevertheless that the proper holder of any lost subsisting permit which may be improperly produced as aforesaid may, upon satisfactory proof to the Board that he was not privy to such improper use, obtain a return of such permit. **Exception when lost.**

Section 27. No permit shall be issued under this Act to any person to whom the sale of intoxicants is prohibited under the provisions of any Act of the United States of America, or of the State of Montana, nor except under Clause (e) of Subsection (2) of Section 18, to any corporation, association, society or partnership. **Proviso.**

CLUB LICENSES

Section 28. (1) Upon application in the prescribed form and accompanied by the prescribed fee, the Board may, in accordance with this Act and the regulations made thereunder, grant a club license in respect of any premises kept or operated by a club, and specified in the license, entitling the club to purchase beer from a vendor or brewer licensed to sell beer under this Act, and to keep on the premises such beer, and subject to the provisions of this Act and the regulations made thereunder to sell the same to members of the club by the glass or open bottle, for consumption on the club premises. **Club licenses to sell beer to members.** **Restrictions and provisions.**

(2) No club shall be granted a license to sell beer— **Provisions for clubs.**

(a) If it is a proprietary club, or operated for pecuniary gain;

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As to date of organization.

(b) Unless such club was in operation as such on the first day of January, 1933, or, which being hereafter formed, was in continuous operation as such a club for at least one year immediately prior to the date of its application for a license to sell beer;

Satisfactory to Board.

(c) Unless the club premises be constructed, equipped, conducted, managed and operated to the satisfaction of the Board and in accordance with this Act and the regulations made thereunder;

File notice one month prior to application.

"Contents."

(d) Unless such club at least one month prior to the date of application has filed with the Board notice of its intention to make such application accompanied by a description of the premises occupied and proposed to be occupied by such club, and complies with any regulations made from time to time by the Board;

Not transferable.

(3) Every club license shall be issued in the name of the applicant club, and no club license shall be transferable, nor shall the holder of a club license allow any other club or person to use the license.

Power of Board in granting or refusing license to club.

(4) For the purpose of considering an application for a club license, the Board may cause an inspection of the club premises to be made, and may enquire into all matters in connection with the constitution and operation of the club. The Board may, in its discretion, grant or refuse the license applied for; and may from time to time in the exercise of like discretion, with or without any hearing, or assigning any reason therefor, suspend or cancel any club license, and all rights of the club to keep or sell beer thereunder shall be suspended or determined as the case may be.

Supervision or cancellation of club license.

(5) Upon receipt of notice of the suspension or cancellation of a club license, the licensee club will forthwith deliver upon the license to the Board, and in the case of suspension, if the said club fails or neglects to deliver upon the license in accordance with the regulations made hereunder, the Board may forthwith cancel the same. Where the license has been suspended only, the Board may return the license to the licensee at the expiration or determination of the period of suspension, and the Board shall notify all vendors in the municipality where the club has its premises, and such other

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persons as may be provided in the regulations made hereunder, of the suspension or cancellation of such club license.

Date of expiration of club license.

(6) Unless sooner cancelled, every club license issued by the Board shall expire at midnight on the thirty-first day of December, in the year in respect of which the license is issued, but a club license shall become void and determined if and when the club, to which it was issued, ceases to carry on operations or ceases to be qualified as a club within the meaning of this Act and the regulations made thereunder.

General restrictions applicable.

(7) Every club license issued under this section shall be subject to all conditions and restrictions imposed by this Act, or by the regulations made thereunder.

Post license.

(8) Every licensed club shall post and keep posted its club license in a prominent position on the club premises.

Any club not holding license is a public place.

(9) The premises of every club which does not hold a valid and subsisting club license under this section shall be deemed to be a public place within the meaning of this Act.

LIQUOR KEPT AND SOLD UNDER SPECIAL PERMITS

Liquor allowed druggist under special permit.

Section 29. Any druggist may have in his possession alcohol purchased by him under a special permit pursuant to this Act; such alcohol to be used solely in connection with the business of the druggist in compounding medicines or as a solvent or preservative:

Where there is no Liquor Store.

Provided that in a municipality where there is no State Liquor Store a druggist may keep for sale and may sell for strictly medicinal purposes liquor purchased by him under a special permit pursuant to this Act, but no sale of liquor shall be made by such last mentioned druggist except upon a bona fide prescription signed by a physician and no more than one sale and one delivery shall be made on any one prescription.

General restrictions as to druggists.

Section 30. Except as authorized or permitted by this Act, or by the regulations made thereunder, and in accordance therewith, nothing in this Act, or in any Act,

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shall be construed as authorizing or permitting any druggist to have or keep for sale, or by himself, or his clerk, servant or agent, to sell, any liquor.

Liquor allowed physician.

Section 31. (1) Any physician who deems liquor necessary for the health of a patient of his whom he has seen or visited professionally may give to such patient a prescription therefor in the prescribed form, signed by the physician, or the physician may administer the liquor to the patient, for which purpose the physician shall administer only such liquor as was purchased by him under special permit pursuant to this Act, and may charge for the liquor so administered; but no prescription shall be given nor shall liquor be administered by a physician except to a bona fide patient in cases of actual need, and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed or administered is necessary.

Restrictions.

When a violation of Act.

(2) Every physician who gives any prescription or administers any liquor in evasion or violation of this Act, or who gives to or writes for any person a prescription for or including liquor for purpose of enabling or assisting any person to evade any of the provisions of this Act, or for the purpose of enabling or assisting any person to obtain liquor to be used as a beverage, or to be sold or disposed of in any manner in violation of the provisions of this Act, shall be guilty of an offense against this Act.

Liquor allowed dentist.

Section 32. Any dentist who deems it necessary that any patient being then under treatment by him should be supplied with liquor as a stimulant or restorative may administer to the patient the liquor so needed, and for that purpose the dentist shall administer liquor purchased by him under special permit pursuant to this Act, and may charge for the liquor so administered; but no liquor shall be administered by a dentist except to a bona fide patient in case of actual need, and every dentist who administers liquor in evasion or violation of this Act shall be guilty of an offense against this Act.

Violation.

Liquor allowed veterinary.

Section 33. Any veterinary who deems it necessary may in the course of his practice administer or cause to be administered liquor to any dumb animal, and for that purpose the veterinary shall administer or cause to be

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administered liquor purchased by him under special permit pursuant to this Act, and may charge for the liquor so administered or caused to be administered; but no veterinary shall himself consume, nor shall he give to or permit any person to consume as a beverage any liquor so purchased, and every veterinary who evades or violates or suffers or permits any evasion of this section shall be guilty of an offense against this Act.

Violation.

Other special parties under special permit.

Section 34. Any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill-health, or as a home devoted exclusively to the care of aged people, may, if he holds a special permit under this Act for that purpose, administer liquor purchased by him under his special permit to any patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medical purposes, and may charge for the liquor so administered; but no liquor shall be administered by any person under this section except to bona fide patients or inmates of the institution of which he is in charge and in cases of actual need, and every person in charge of an institution who administers liquor in evasion or violation of this Act shall be guilty of an offense against this Act.

Violation.

APPLICATION OF ACT

Application to brewer or distiller under U. S. laws.

Section 35. (1) Nothing in this Act shall prevent any brewer, distiller, or other person duly licensed, under the provisions of any statute of the United States of America, for the manufacture of liquor, from having or keeping liquor in a place and in the manner authorized by or under any such statute.

Application as to sale or purchase by Board.

(2) Nothing in this Act shall prevent—

(a) The sale of liquor by any person to the Board;

(b) The purchase, importation and sale of liquor by the Board for the purposes of and in accordance with this Act.

What is not subject to this Act.

Section 36. (1) Subject to the provisions of this section, nothing in this Act shall, by reason only that such preparation contains alcohol, prevent the manufacture, sale, purchase or consumption—

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Certain mixture of alcohol.

(a) of any extract, essence or tincture or other preparation containing alcohol, which is prepared according to a formula of the United States Pharmacopoeia, or according to a formula approved of by the Board; or

Patent medicine.

(b) of any proprietary or patent medicine prepared according to a formula approved of by the Board.

Anything which may be used as a beverage may be controlled by Act.

(2) The Board, if of opinion that any such proprietary or patent medicine, extract, essence, tincture or preparation which contains alcohol, or any other preparation of a solid, semi-solid or liquid nature containing alcohol which, or any extract from which, can be used as a beverage or as the ingredient of any beverage, may prohibit the sale thereof by retail within the state, or the possession of the same for sale by retail within the state, except by a State Liquor Store, or by persons duly licensed by the Board to keep and sell the same by retail in accordance with this Act and the regulations made thereunder.

Duty of Board.

(3) The Board shall notify the manufacturer or vendor of such proprietary or patent medicine, extract, essence, tincture or preparation, of the said prohibition and from and after the date of such notification any person within the state selling or keeping for sale any such proprietary or patent medicine, extract, essence, tincture or preparation so prohibited as aforesaid shall be guilty of an offense under this Act.

PART III

LOCAL OPTION LAW

Local option law.

Section 37. **Election to be Ordered Upon Application of One-third of the Voters of Any County.** Upon application by petition, signed by one-third of the voters who are qualified to vote for members of the Legislative Assembly in any county in the state, the Board of County Commissioners must order an election to be held at the places of holding elections for county officers, to take place within forty days after the reception of such petition, to determine whether or not any spirituous or malt liquors, wine, or cider, or any intoxicating liquors or drinks may be sold within the limits of the county. No election, under this section must take place in any month in which general elections are held. The Board of

Petition of one-third of voters.

Purpose.

When to be held.

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County Commissioners must determine on the sufficiency of the petition presented from the roll of registered electors of the territory affected.

Notice of election.

Section 38. **Notice of Election.** The notice of election must be published once a week for four weeks in such newspapers of the county where the election is to be held as the Board of County Commissioners may think proper.

What shall ballot contain.

Section 39. **Ballots, What to Contain.** The County Clerk must furnish the ballots to be used at such election, as provided in the general election law, which ballots must contain the following words: "Sale of intoxicating liquors, yes;" "Sale of intoxicating liquors, no;" and the elector in order to vote must mark an X opposite one of the answers.

Conduct of election.

Section 40. **Election, How Held.** The polling places must be established, the judges and other officers to conduct the election must be designated, and the election must be held, canvassed and returned in all respects in conformity to the laws of the state.

Result and effect of election.

Section 41. **Dealing in Intoxicating Liquors Prohibited if Majority of Vote Against Sale.** If a majority of the votes cast are "Sale of intoxicating liquors, no", the Board of County Commissioners must publish the result once a week for four weeks in the paper in which the notice of the election was given. The provisions of this Act shall take effect at the expiration of the time of the publication of the notice, and thereupon all existing licenses shall be cancelled.

When another election may be held.

Section 42. **No Election More Than Once in Two Years.** No election must be held in the same county oftener than once in two years thereafter.

Effect of vote.

Section 43. **Sale of Liquors Prohibited.** If a majority of the votes at the election are, "Sale of intoxicating liquors, no", it shall not be lawful for any person within the county in which the vote was taken, to sell, either directly or indirectly, or give away, to induce trade at any place of business, or furnish to any person, any alcoholic, spirituous, malt, or intoxicating liquors.

Contest of election.

Section 44. **Election, How Contested.** Any election held under the provisions of this Act may be contested in the same manner as provided by the general laws.

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PART IV

Prohibitions, Interdiction, Penalties and Procedure in Prosecutions and on Appeal.

Prohibitions.

Prohibitions

Sale of liquors unlawful.

Section 45. (1) Except as provided by this Act, no person shall, within the state, by himself, his clerk, servant, or agent, expose or keep for sale, or directly or indirectly or upon any pretense, or upon any device, sell or offer to sell, or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give to any other person any liquor or beer.

(2) No person shall have, keep or sell any beer, or malt liquor, to which has been added any foreign substance.

Unlawful to have or keep liquor unless purchased from State Store.

(3) No person shall have or keep any liquor within the state which has not been purchased from a state vendor of the Montana Liquor Control Board or from a druggist authorized to sell the same, save and except beer purchased from a brewer licensed to sell the same under the provisions of this Act. This subsection shall not apply to the Board or to the keeping or having a liquor by brewers, distillers and other persons duly licensed by the United States for the manufacture of such liquor; nor to the keeping or having of any proprietary or patent medicines or of any extracts, essences, tinctures or preparations where such having and keeping is authorized by this Act.

Beer proviso.

Exceptions.

Proviso for Sheriffs, etc.

(4) Nothing contained in this section shall apply to the possession by a Sheriff or his bailiff of liquor seized under execution or other judicial or extra-judicial process nor to sales under executions or other judicial or extra-judicial process to the Board, or in the case of beer to a brewer, beer licensee, club licensee or canteen licensee.

Who must not give liquor.

Section 46. No brewer, distiller, or manufacturer of liquor shall, within the state, by himself, his clerk, servant or agent, give to any person any liquor, except as may be permitted by and in accordance with the regulations made under this Act.

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Where unlawful to sell.

Section 47. No vendor, and no person acting as the clerk or servant of or in any capacity for any vendor, shall sell liquor in any other place or at any other time or otherwise than as authorized by this Act and the regulations.

No member or employee of Board shall be connected in any way with liquor business.

Section 48. (1) No member or employee of the Board shall be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employee, and whether for his own benefit or in a fiduciary capacity for some other person.

Unlawful to accept anything from liquor seller or purchaser.

(2) No member or employee of the Board or any employee of the state shall solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any person or corporation having sold, selling or offering liquor for sale to the state or Board in pursuance of this Act.

(3) No person selling or offering for sale to, or purchasing liquor from, the state or the Board, shall either directly or indirectly offer to pay any commission, profit or remuneration, or make any gift to any member or employee of the Board or to any employee of the state, or to anyone on behalf of such member or employee.

Section 49. Except as provided in this Act, no person shall, within the state, by himself, his clerk, servant, or agent, attempt to purchase, or directly or indirectly or upon any pretense or upon any device, purchase, or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, take or accept from any other person any liquor.

Pay checks not acceptable at liquor dispensories.

Section 50. No check or time check or other evidence of indebtedness given in payment of wages earned for labor shall be cashed or negotiated in any place licensed for the sale of liquor under the provisions of this Act.

No drinking in drug stores.

Section 51. No person, within the State of Montana, shall consume any liquor on any premises where liquor is kept for sale by a druggist, nor shall any druggist permit any liquor to be consumed on such premises.

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No liquor shall be consumed unless under state permit and seal.

Section 52. Except in the case of wine used for sacramental purposes, and except in the case of beer purchased and consumed in accordance with this Act and regulations no person shall consume liquor within the state, unless the same has been acquired under the authority of a permit issued under this Act, and unless the package in which the liquor is contained and from which it is taken for consumption has, while containing that liquor, been sealed with the official seal prescribed under this Act, and the regulations made thereunder:

Special proviso.

Provided that the foregoing proviso relating to the official seal prescribed under the Act shall not apply to "malt liquor" as defined in the Act.

Section 53. (1) Except in the case of—

(a) liquor imported by the state, or by the Board; or

(b) liquor had and kept by a person, and in a place and manner referred to in Section 35; or

(c) beer and malt liquor, lawfully had or kept under this Act; or

(d) any liquor kept for sale by a druggist under Section 30 thereof—

no liquor shall be kept or had by any person within the state unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained has, while containing that liquor, been sealed with the official seal prescribed under this Act.

Power and duty of inspector or peace officer.

(2) Any inspector or peace officer who finds liquor, which he has reasonable cause to believe is had or kept by any person in violation of the provisions of this Act, may, without warrant, forthwith seize and remove the same and the packages in which the liquor is kept, and upon conviction of the person for a violation of any provision of this section the liquor and all packages containing the same shall, in addition to any other penalty prescribed by this Act, ipso facto be forfeited to the State of Montana.

No liquor shall be consumed in public place.

Section 54. (1) Except in the case of liquor purchased and consumed in accordance with the beer license

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or a special permit for a purpose permitting its consumption in a public place, no person shall consume liquor in a public place.

(2) No person shall be in an intoxicated condition in a public place.

Unlawful to sell to drunk.

Section 55. No vendor, beer licensee, or club licensee, nor any employee of a vendor, beer licensee, or club licensee, shall sell any liquor, or permit any liquor to be sold, to any person apparently under the influence of liquor.

Age limit for sale of liquor.

Section 56. Except in the case of liquor given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell, give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor.

Where permit is suspended or cancelled.

Section 57. Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with the provisions of this Act, or of beer sold on premises licensed for the sale of beer under the provisions of this Act, no person shall procure or supply, or assist directly or indirectly in procuring or supplying, liquor for or to any person whose permit is suspended or has been cancelled.

Unlawful to sell or give to interdicted person.

Section 58. Except in the case of liquor supplied to an interdicted person upon the prescription of a physician, or administered to him by a physician or dentist pursuant to this Act, no person shall procure for or sell, or give to any interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any interdicted person.

Provision as to interdicted persons.

Section 59. No permit shall be issued to any interdicted person, and every interdicted person who makes application for a permit, or who enters or is found upon the premises of any State Liquor Store, or the premises for which a beer license has been granted, shall be guilty of an offense against this Act.

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When application may be made after cancellation.

Section 60. No person whose permit has been cancelled shall, within a period of twelve months, after the date of such cancellation, make application for another permit under this Act.

Unlawful to purchase or attempt to purchase under an unauthorized permit.

Section 61. (1) No person shall purchase or attempt to purchase liquor under a permit which is suspended, or which has been cancelled, or of which he is not the holder.

(2) No person shall apply in any name except his own for the issue to him of a permit authorizing the purchase of liquor or beer.

Section 62. No person shall—

Drunkenness unlawful.

(a) Permit drunkenness to take place in any house or on any premises of which he is owner, tenant, or occupant; or

(b) Permit or suffer any person apparently under the influence of liquor to consume any liquor in any house or on any premises of which the first-named person is owner, tenant, or occupant; or

(c) Give any liquor to any person apparently under the influence of liquor.

Only authorized persons with permit may possess liquor.

Section 63. (1) Except as authorized by this Act, no person, not holding a permit under this Act, entitling him so to do, shall have any liquor in his possession within the state.

Limitation as to holder of individual permit.

(2) A holder of an individual permit may have in his possession and consume in his residence, or in a private guest room occupied by him in a hotel only the liquor acquired by him under his individual permit.

Places where liquor is restricted.

Section 64. Except in the case of beer kept or consumed in premises for which a beer license has been granted, under the law, and which form a part of a hotel, and except in the case of liquor kept and consumed pursuant to a special permit granted under the provisions of Section 18 (2) (e) of this Act, no person—

Hotels except in guest room.

(a) shall keep or consume liquor in any part of a hotel other than a private guest room;

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(b) shall keep or have any liquor in any room in a hotel unless he is a bona fide guest of the hotel and is duly registered in the office of the hotel as an occupant of that room and has baggage and personal effects belonging to him in the hotel:

Provided that there shall not be kept or had in any such room a greater quantity of liquor than one person is entitled to acquire at one time under an individual permit.

Section 65. No person within the state shall—

Unlawful to canvass for orders for purchase or sale of liquors.

(1) canvass for, receive, take or solicit orders for the purchase or sale of any spirits or wines or act as agent or intermediary for the sale or purchase of any spirits or wines or hold out himself as such agent or intermediary;

(1a) canvass for or solicit orders for the purchase or sale of any beer or malt liquor excepting in the case of beer proposed to be sold to beer licensees, club licensees duly authorized to sell beer under the provisions of this Act;

Unlawful to exhibit sign advertising liquor.

(2) exhibit or display, or permit to be exhibited or displayed, any sign or poster containing the words "bar", "barroom", "saloon", "tavern", "wines", "spirits", or "liquors" or words of like import;

(3) exhibit or display, or permit to be exhibited or displayed, any advertisement or notice of or concerning liquor by an electric or illuminated sign, contrivance or device or on any hoarding signboard, billboard or other like place in public view or by any of the means aforesaid, advertise any liquor. This subsection shall not apply to any advertisement respecting beer or malt liquor on a brewery or premises where beer or malt liquor may be lawfully stored or kept by a brewer under the law; provided that such last mentioned advertisement has first been permitted in writing by the Board and then subject to the directions of the Board;

Exception as to beer.

Proviso.

All advertising generally.

(4) exhibit, publish, or display, or permit to be exhibited, published or displayed, any other advertisement, or form of advertisement, or any other announcement, publication or price list of or concerning liquor or where

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or from whom the same may be had, obtained or purchased, unless permitted so to do by the regulations, and then only in accordance with such regulations;

Those not affected.

(5) This section shall not apply—

(a) to the Board, nor to any act of the Board, nor to any State Liquor Store; nor

(b) to the receipt or transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee.

General proviso.

Section 66. No person not expressly authorized by this Act to deal in liquor, shall within the state keep for sale, offer for sale, or sell anything which is labelled or branded with the name of any kind of liquor, whether the same contains any liquor or not.

INTERDICTION

Interdiction.

Section 67. (1) Where it is made to appear to the satisfaction of any court that any person, resident or sojourning within the state, by excessive drinking of liquor, misspends, wastes, or lessens his estate, or injures his health, or endangers or interrupts the peace and happiness of his family, the court may make an order of interdiction directing the cancellation of any permit held by that person, and prohibiting the sale of liquor to him until further order; and the court shall cause the order to be forthwith filed with the Board.

When ordered.

Effect of interdiction.

(2) Every interdicted person keeping or having in his possession or under his control any liquor shall be guilty of an offense against this Act, and, on summary conviction thereof, the court making the conviction may in and by the conviction declare the liquor and all packages in which the same is contained to be forfeited to the State of Montana:

Proviso.

Provided that on the making of an order for interdiction the interdicted person may forthwith deliver to the Board all liquor then in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or to be purchased by the Board at a price to be fixed by it.

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Duty of Board as to person interdicted.

Section 68. Upon receipt of the order of interdiction, the Board shall cancel any permit held by the interdicted person, and shall notify the interdicted person and all vendors, and such other persons as may be provided by the regulations, of the cancellation of the permit, and of the order of interdiction so made and filed prohibiting the sale of liquor to the interdicted person.

Power of Court to revoke interdiction.

Section 69. The court by whom an order of interdiction is made under this Act, upon being satisfied that the justice of the case so requires, may revoke the order of interdiction by an order filed with the Board; and upon the filing of the order of revocation, the interdicted person shall be restored to all his rights under this Act, and the Board shall accordingly forthwith notify all vendors and such other persons as may be provided by the regulations.

Section 70. (1) Upon the application to the Judge of any District Court by any person in respect of whom an order of interdiction has been made under this Act, and upon it being made to appear to the satisfaction of the Judge that the circumstances of the case did not warrant the making of the order of interdiction, or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the Judge may by order set aside the order of interdiction filed with the Board, and the interdicted person shall be restored to all his rights under this Act, and the Board shall accordingly forthwith notify all vendors and such other persons as may be provided by the regulations.

Notice.

(2) The applicant shall, at least ten clear days before the application, give notice thereof to the Board, in writing, served upon the Board, and to such other persons as the Judge may direct.

PENALTIES AND PROCEDURE

Violation is a misdemeanor unless prescribed.

Section 71. Every person who violates any provision of this Act or the regulations made hereunder, shall be guilty of a misdemeanor unless other punishment is herein prescribed.

Section 72. Where an offense against this Act is committed by a corporation, the officer or agent of the cor-

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Corporate liability.

poration in charge of the premises in which the offense is committed shall prima facie be deemed to be a party to the offense so committed, and shall be personally liable to the penalties prescribed for the offense as a principal offender; but nothing in this section shall relieve the corporation or the person who actually committed the offense from liability therefor.

When offenders and persons responsible are both liable.

Section 73. Upon proof of the fact that an offense against this Act has been committed by any person in the employ of the occupant of any house, shop, room, or other premises in which the offense is committed, or by any person who is suffered by the occupant, to be or remain in or upon such house, shop, room, or premises or to act in any way for the occupant, the occupant shall prima facie be deemed to be a party to the offense so committed, and shall be liable to the penalties prescribed for the offense as a principal offender, notwithstanding the fact that the offense was committed by a person who is not proved to have committed it under or by the direction of the occupant; but nothing in this section shall relieve the person actually committing the offense from liability therefor.

Search and seizure permissible when.

Section 74. (1) Upon information on oath by any inspector appointed under this Act or by any peace officer showing reasonable cause to believe that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any building or premises, it shall be lawful for any justice by warrant under his hand to authorize and empower the inspector or peace officer, or any other person named therein, to enter and search the building or premises and every part thereof; and for that purpose to break open any door, lock, or fastening of the building or premises or any part thereof, or any closet, cupboard, box, or other receptacle therein which might contain liquor.

Right to seize liquor and means of conveyance.

Section 75. Whenever an inspector or any peace officer in making or attempting to make a search under and in pursuance of authority of law, shall find in any motor vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description liquor which is unlawfully kept or had, or kept or held for unlawful purposes contrary to the provisions of this Act, he may forthwith seize the liquor and packages in which the same is con-

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tained, and the motor vehicle, motor car, automobile, vessel, boat, canoe or conveyance in which such liquor is found; and upon the conviction of the occupant or person in charge of the vehicle, motor car, automobile, vessel, boat, canoe or conveyance, or of any other person, for having or keeping such liquors contrary to any of the provisions of this Act in any such vehicle, motor car, automobile, vessel, boat, canoe or conveyance, the Court in which the conviction of any such person is had may, in addition to the sentence imposed under authority of law, declare the liquor or any part thereof so seized, and the package in which the same is contained, to be forfeited to the State of Montana; and the Court may in and by decree, further declare the vehicle, motor car, automobile, vessel, boat, canoe or conveyance so seized to be forfeited to the State of Montana.

When forfeited to state.

Section 76. (1) Where liquor is found by any inspector or peace officer on any premises or in any place in such quantities as to satisfy the inspector or peace officer that such liquor is being had or kept contrary to any of the provisions of this Act, it shall be lawful for the inspector or peace officer to forthwith seize and remove, by force if necessary, any liquor so found, and the packages in which the liquor was had or kept.

When force may be used in seizure and removal.

(2) Where liquor has been seized by an inspector or peace officer under any of the provisions of this Act, under such circumstances that the inspector or peace officer is satisfied that such liquor was had or kept contrary to any of the provisions of this Act, he shall, under the provisions of this section, retain the same and the packages in which the same was had or kept.

Duty to retain seized liquors.

(3) If within thirty days from the date of its seizure no person by notice in writing filed with the Board claims to be the owner of the liquor, the liquor and all packages containing the same shall ipso facto be forfeited to the State of Montana, and shall forthwith be delivered to the Board.

When forfeited to state.

(4) If within the said time any claimant appears, it shall be incumbent upon him within that time, and after three days' notice in writing filed with the Board stating the time and place fixed for the hearing, to prove his claim and his right under the provisions of this Act to

When forfeited when hearing is asked.

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the possession of such liquor and packages to the satisfaction of any Court, and on failure within that time to prove and establish his claim and right the liquor and packages shall ipso facto be forfeited to the State of Montana.

Disposition of forfeited liquors.

Section 77. (1) In every case in which a Court makes any order for the forfeiture of liquor under any of the provisions of this Act, and in every case in which any claimant to liquor under the provisions of Section 76 hereof, fails to establish his claim and right thereto, the liquor in question and the packages in which the liquor is kept shall forthwith be delivered to the Board. The Board shall thereupon, determine the market value of all forfeited liquor which is found to be suitable for sale in the State Liquor Stores, and the Board shall pay the amount so determined to the State Treasurer, after deducting therefrom the expenses necessarily incurred by the Board for transporting the forfeited liquor to the State Liquor Warehouses, and the liquor suitable for sale shall be taken into stock by the Board and sold under the provisions of this Act. All forfeited liquor which is found to be unsuitable for sale in State Liquor Stores shall be destroyed under competent supervision as may from time to time be directed by the Board.

When destroyed.

Duty to report seizure.

(2) In every case in which liquor is seized by a peace officer it shall be his duty to forthwith make or cause to be made to the Board a report in writing, of the particulars of such seizure.

Power to inspect records of carriers.

Section 78. For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this Act, the Board or any person appointed by it in writing for the purpose may inspect the freight and express books and records, and all waybills, bills of lading, receipts, and documents in the possession of any railway company, express company, or other common carrier doing business within the state containing any information or record relating to any goods shipped or carried or consigned or received for shipment or carriage within the state.

Violation by carrier.

Section 79. Every railway company, express company, or common carrier, and every officer or employee of any such company or common carrier, who neglects or re-

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fuses to produce and submit for inspection any book, record, or document referred to in the next preceding section when requested to do so by the Board or by a person so appointed by it shall be guilty of an offense against this Act.

Sufficiency of description of any legal papers relating to Act.

Section 80. In describing the offense respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing or the consumption of liquor in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale or keeping for sale or disposal, having, keeping, giving, purchasing, or consumption of liquor, simply without stating the name or kind of such liquor or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed, or from whom it was purchased or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased, or consumed, except in the case of offenses where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

Description of offense.

Defense remedies need not be specified or negatived.

Section 81. The description of any offense under this Act, in the words of this Act or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision, excuse, or qualification, whether it occurs by way of proviso or in the description of the offense in this Act, may be proved by the defendant, but need not be specified or negatived in the information or complaint; but if it is so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Evidence required.

Section 82. In any prosecution under this Act for the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, or consuming of liquor, it shall not be necessary that any witness should depose to the precise description or quantity of the liquor sold, disposed of, kept, had, given, purchased, or consumed, or the precise consideration (if any) received therefor, or to the fact of the sale or other disposal having taken place with his participation or to

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Conviction may be based on circumstantial evidence.

his own personal or certain knowledge; but conviction may be based upon circumstantial evidence reasonably tending to establish the guilt of the accused beyond a reasonable doubt.

What is sufficient proof of violation.

Section 83. In proving the sale, disposal, gift, or purchase, gratuitous or otherwise, or consumption of liquor, it shall not be necessary in any prosecution to show that any money actually passed or any liquor was actually consumed, if the Court hearing the case is satisfied that a transaction in the nature of a sale, disposal, gift, or purchase actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to or purchased by the person consuming, or being about to consume, or carrying away the same, as against the occupant of the said premises.

Report of U. S. analyst is prima facie evidence when.

Section 84. In any prosecution under this Act, or the regulations made thereunder, production by a police officer, policeman, constable, inspector or peace officer, of a certificate or report signed or purporting to be signed by a United States or state analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound, or substance, such certificate or report shall be prima facie evidence of the facts stated in such certificate or report and of the authority of the person giving or making the same without any proof of appointment or signature.

When to be presumed intoxicating.

Section 85. The Court trying a case shall, in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness described it as intoxicating, or by a name which is commonly applied to an intoxicating liquor.

From what the Court may infer a violation.

Section 86. Upon the hearing of any charge of selling or purchasing liquor, or of unlawfully having or keeping liquor, contrary to any of the provisions of this Act, the Court trying the case shall have the right to draw inferences of fact from the kind and quantity of liquor found in the possession of the person accused, or in any building, premises, vehicle, motor-car, automobile, vessel,

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boat, canoe, conveyance, or place occupied or controlled by him, and from the frequency with which liquor is received thereat or therein or is removed therefrom, and from the circumstances under which it is kept or dealt with.

When the burden is on the defendant to prove innocence.

Section 87. If, on the prosecution of any person charged with committing an offense against this Act, in selling or keeping for sale or giving or keeping or having or purchasing or receiving liquor, prima facie proof is given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then, unless such person proves that he did not commit the offense with which he is so charged, he may be convicted of the offense.

Burden of proof.

Section 88. (1) The burden of proving the right to have or keep or sell or give or purchase or consume liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving or purchasing or consuming such liquor.

Burden when showing that liquor was used for medicine.

(2) The burden of proving that any prescription or administration of liquor is bona fide and for medical purposes only shall be upon the person who prescribes or administers such liquor, or causes such liquor to be administered, and the Court trying a case shall have the right to draw inferences of fact from the frequency with which similar prescriptions are given and from the amount of liquor prescribed or administered, and from the circumstances under which it is prescribed or administered.

APPEALS

Appeal same as other criminal cases.

Section 89. An appeal shall lie from any conviction or order made in the prosecution of any offense against any of the provisions of this Act and the practice and procedure on any appeal from any such conviction or order, and all proceedings thereon shall be governed by the law applicable to appeal in criminal cases.

Board may appoint inspectors.

Section 90. The Board may appoint one or more inspectors or prosecuting officers, who, under its direction, shall perform such duties as it may require, and who shall be paid such salaries, fees and expenses as the said Board may fix.

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PART V

Ownership of Property Acquired by the Board, Financing and Accounting by the Board and Application of Profits.

All property state property.

Section 91. All property, whether real or personal, all moneys acquired, administered, possessed or received by the Board and all profits earned in the administration of this Act, shall be the property of the state, and all

Debts to be paid by whom.

expenses, debts and liabilities incurred by the Board in connection with the administration of this Act, shall be paid by the Board from the moneys received by the Board under such administration.

Duty of Board to report.

Section 92. (1) The Board shall from time to time make reports to the State Examiner covering such matters in connection with the administration or enforcement of this Act as he may require, and shall annually make a report for the twelve months ending on the thirty-first day of December in the year in which the

What to contain.

report is made, which shall contain—

(a) A statement of the nature and amount of the business transacted by each vendor under this Act during the year;

(b) A statement of its assets and liabilities including a profit and loss account, and such other accounts and matters as may be necessary to show the result of operations of the Board for the year;

(c) General information and remarks as to the working of the law within the state;

Report to be laid before Legislature.

(2) Every annual report made under this section shall be forthwith laid before the Legislature if the Legislature is then in session, and if not then in session, shall be laid before the Legislature within fifteen days after the opening of the next session.

Records subject to audit.

(3) The books and records of the Board shall at all times be subject to examination and audit by the State Examiner or his duly authorized agents or employees.

Board may make all necessary payments.

Section 93. The Board shall make all payments necessary for the administration of this Act, including the payment of the expenses of the members of the Board

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and its staff, and all expenditures incurred in establishing and maintaining State Liquor Stores and in the administration of this Act.

Disposition of money received.

Section 94. All moneys received from the sale of liquor at the State Liquor Stores or from license fees or taxes or otherwise, arising in the administration of this Act, shall be paid to the Board, and the Board is hereby authorized to make such expenditures from such fund as from time to time becomes necessary in the administration of this Act, including in such expenditures all salaries, expenses of officers, agents and employees, and all proper expenditures incurred in acquiring property and merchandise in connection with the administration of this Act.

Closing date of accounts.

Section 95. The accounts of the Board shall be made up to the 31st day of December in each year and at such other times as may be required by the State Examiner; and in every case the Board shall prepare a balance sheet and statement of profit and loss and submit the same to the State Examiner.

Board may create reserve fund.

Section 96. From the profits arising under this Act, as certified by the State Examiner, there shall be taken such sums as may be determined by the Board for the creation of a reserve fund to meet any loss that may be incurred by the state in connection with the administration of this Act, or by reason of its repeal.

Disposition of profits.

Section 97. The net profits derived from time to time, after providing the money required for the purpose of the reserve fund and the administration of the Act, shall be by the State Treasurer distributed as follows: one-half thereof shall be transferred to the general fund of the state, and the remaining one-half shall be apportioned to the various counties and cities located in such counties and distribution thereof made to the county and to the cities in such county in proportion to the amount of fees, charges, taxes and penalties collected under the provisions of this Act from the several counties and cities located therein.

Orders for purchase of liquor.

Section 98. Every order for the purchase of liquor shall be authorized by the Secretary of the Board and no order shall be valid or binding unless so authorized.

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A duplicate of every such order shall be kept at the principal office of the Board. All cancellations of orders shall be executed in the same manner and a duplicate thereof kept as aforesaid.

PART VI

General Provisions

Purpose and intent.

Section 99. The purpose and intent of this Act are to prohibit transactions in liquor which take place wholly within the State of Montana except under state control as specifically provided by this Act, and every section and provision of this Act shall be construed accordingly. The provisions of this Act dealing with the importation, sale and disposition of liquor within the state through the instrumentality of a Board and otherwise provide the means by which such state control shall be made effective, and nothing in this Act shall be construed as forbidding, affecting or regulating any transaction which is not subject to the legislative authority of the state.

Power of officers to take oaths, etc.

Section 100. Every vendor and every official authorized by the Board to issue permits under this Act may administer any oath and take and receive any affidavit or declaration required under this Act or the regulations.

Power of Board to create indebtedness.

Section 101. The Board is hereby authorized to incur indebtedness in the administration of this Act for necessary expenses and the acquisition of necessary property and merchandise, provided, however, that the total amount of outstanding indebtedness shall not at any time exceed the sum of Twenty-five Thousand Dollars

Limitation.

($25,000.00) and provided further that any indebtedness so incurred by the Board shall be paid solely out of the moneys arising in the administration of this Act.

When to go into effect.

Section 102. This Act shall go into full force and effect at such time as the manufacture, importation and sale of distilled or vinous liquors, or either or any of them for beverage purposes, shall become lawful under the Constitution and Laws of the United States; it being hereby declared that this Act is intended as a companion measure to an Act entitled: "An Act to Provide for the Licensing and Regulation, Manufacture, Sale and Distribution of Beer and Other Similar Fermented Beverages, and for the Raising and Disposition of Revenue

Companion measure to Beer Bill Chap. 106.

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Therefrom'', which latter Act is to become effective at such time as the Congress of the United States shall pass a law declaring that beer with an alcoholic content of at least three per centum (3%) by weight is non-intoxicating; it being the purpose and intention of this Act to control and regulate the sale of distilled and vinous liquors and beer at such time as the Constitution of the United States shall permit, and not to interfere with the regulatory measures providing for the sale of beer and other similar fermented beverages at such time as the Congress of the United States shall make change in the provision of the law determining the alcoholic content permitted for sale of beer and malt extracts; it being further declared to be the intention of this Act that it shall be administered and applied in conjunction with said Act above designated, regulatory of the sale and distribution of beer and other fermented beverages, the impelling thought being that the Congress of the United States will modify the present existing law respecting the alcoholic content of beer and other fermented beverages before a repeal shall have been accomplished of the Eighteenth Amendment to the Constitution of the United States.

Not to interfere with beer measure but to be applied in conjunction with it.

Section 103. Anyone violating any of the provisions of this Act shall be guilty of a misdemeanor and be subject to punishment not exceeding Five Hundred Dollars ($500.00) fine, or six (6) months' imprisonment, either or both; except where other penalties or punishment is herein expressly provided.

Penalty for violation.

Section 104. If any section, clause, sentence or provision in this Act shall be found unconstitutional or otherwise invalid, such unconstitutionality or invalidity of such clause shall not be deemed to invalidate any other portions of this Act.

Saving clause.

Approved March 14, 1933.

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CHAPTER 106

An Act to Provide for the Licensing and Regulation of the Manufacture, Sale and Distribution of Beer and Other Similar Fermented Beverages, and for the Raising and Disposition of Revenue Therefrom.

Be it enacted by the Legislative Assembly of the State of Montana:

Title of Act.

Section 1. This Act may be cited as the "Montana Beer Act."

Definitions.

Section 2. In this Act, unless the context otherwise required, the expression:

Board.

(a) "Board" means the State Equalization Board. "Board" as used in this Act means the State Board of Equalization, which shall administer the Act under its provisions ex-officio and without additional compensation.

Beer.

(b) "Beer" means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt and hops, or of any other similar products in drinkable water.

Brewer.

(c) "Brewer" means any person having a factory or an establishment adapted for the making of beer.

Club.

(d) "Club" means any association of individuals for purposes of mutual entertainment and convenience and shall include the premises occupied or used for any such purpose.

Club member.

(e) "Club Member" means a person, who, whether as a chartered member or admitted according to the by-laws or rules of the club, has become a member thereof who maintains his membership by the payment of his regular periodic dues in the manner provided by such rules or by-laws and whose name and address are entered in the list of membership supplied to the Board at the time of the application for a club license under this Act, or if admitted thereafter within ten (10) days after his admission.

Hotel.

(f) The word "Hotel" as used in this Act shall mean any place in a city or town having a population of Five Thousand (5,000) inhabitants or less, which has at least twenty (20) rooms where the public may, for a

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consideration, obtain sleeping accommodations, with or without meals; and in cities or towns having a population of over Five Thousand (5,000) inhabitants, it shall mean a place having at least forty (40) rooms, conducted as a hotel where the public may, for a consideration, obtain sleeping accommodations, with or without meals; in cities or towns having a population of Five Thousand (5,000) inhabitants or more, in addition to providing sleeping accommodations of forty (40) or more rooms for its guests, all hotels described in this section shall have a lobby on the main or ground floor; it being intended hereby to prohibit the sale of beer in ordinary rooming houses or bawdy houses, even though the same shall be conducted under the name or designation of a "hotel."

Intent of Act as to hotels.

(g) "Meals" means food to the extent of a current value of not less than Twenty-five Cents (25c), served and partaken of in a hotel dining room or restaurant.

Meals.

(h) "Package" means any container or containers or receptacle or receptacles used for holding beer.

Package.

(i) "Person" includes every partnership, corporation or association.

Person.

(j) "Public Place" includes any place, building or vehicle to which the public has or is permitted to have access and any place of public resort.

Public place.

(k) "Restaurant" means any place provided with space and accommodations for not less than Seventy-five (75) persons at one time where the public may, for a consideration, obtain meals; and before any license shall be issued by the Board for the sale of beer in any such restaurant, it must satisfactorily appear that the owner, proprietor or manager of any such restaurant is a citizen of the United States.

Restaurant.

(l) "Retailer" means any person engaged in the sale and distribution of beer, either on draught or in bottles, to the public to be served and consumed on the premises of such retailer, or in the sale and distribution of beer in original packages to the public with intent that such packages shall be taken away from the premises of such retailer in unbroken packages for consumption off the premises of such retailer.

Retailer.

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Vehicle.

(m) "Vehicle" means any means of transportation by land or by water or by air and includes everything made use of in any way whatever for such transportation.

Wholesaler.

(n) "Wholesaler" means any person having a store or establishment for the sale and distribution of beer in wholesaling or jobbing quantities, or for the sale and distribution of beer in original packages to the public with intent that such packages shall be delivered or taken away from the premises of such wholesaler in unbroken packages for consumption off the premises of such wholesaler.

Powers of Board.

Section 3. The Board shall have power:

General power.

(a) To do all such things as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this Act and regulations made thereunder.

Make regulations.

(b) Without in any way limiting or being limited by the foregoing, the Board may make such regulations as are necessary and feasible for the purpose of carrying into effect the provisions of this Act, and such regulations shall have the full force and effect of law.

Prescribe forms.

(c) The Board shall prescribe forms of applications and licenses to carry out the provisions of this Act.

Advertising prohibitory.

(d) No person, corporation or association of individuals shall at any place where beer or other similar fermented beverages are so kept for sale, or sold, be permitted to advertise such place by signs, printed matter or otherwise or in connection with the dispensing thereof.

What beer is contemplated by this Act.

Section 4. Beer containing one-half of one per cent (½%), or more, of alcohol by volume and not more than three and two tenths per cent (3.2%) of alcohol by weight, or beer of an alcoholic content declared by the Congress of the United States to be non-intoxicating, is hereby declared to be non-intoxicating and may be manufactured and/or sold or transported in and into this state, or possessed therein, in the manner and under the conditions prescribed in this Act and not otherwise.

Alcoholic requirement.

Section 5. It shall be unlawful to manufacture or sell, or dispose of, or possess for the purpose of sale,

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beer of any kind or character of an alcoholic content greater than herein prescribed, or other than in the manner permitted by this Act.

Application for manufacture or sale.

Section 6. Any person, desiring to manufacture and sell beer under the provisions of this Act, shall first apply to the Board for a permit so to do and pay with such application the license fee herein prescribed; the Board shall require of such applicant satisfactory evidence that the applicant is of good moral character and a law abiding person. Upon being satisfied from such application, or otherwise, that such applicant is qualified as herein provided, the Board shall issue such license to such person, which license shall be at all times prominently displayed in the place of business of such applicant. If the Board shall find that such applicant is not qualified, no license shall be granted and such license fee shall be returned.

Qualifications of applicant.

Duty of Board.

Brewers' monthly report.

Section 7. Every brewer, licensed to do business in this state, shall, on or before the fifteenth day of each month, make an exact return to the Board of the amount of beer manufactured by him and the amount sold by him in the previous month, and of his inventory, in the manner and form as shall be prescribed by the Board, and the Board shall have the right at any time to make an examination of any brewer's books and of his premises, and otherwise check the accuracy of any such return, or to check the alcoholic content of beer manufactured by him.

Power of Board.

Penalty for violation.

Section 8. Any brewer who fails to make the return to the Board provided for in Section 7 hereof, shall be liable to a penalty of not less than Fifty Dollars ($50) per day for each day of delay, and any brewer who refuses to allow such examination, as provided for in Section 7 hereof, or fails to make an accurate return according to the manner herein prescribed, shall be guilty of an offense and shall be liable to a fine not exceeding One Thousand Dollars ($1,000).

To whom brewer may sell beer.

Section 9. It shall be lawful for any brewer to sell or dispose of beer manufactured by him to a hotel, restaurant, wholesaler, retailer or to a common carrier, holding and having a license under this Act.

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Brewer may sell to public for consumption off the premises.

Section 10. It shall be lawful for any brewer to sell, deliver or distribute beer manufactured by him in original packages to the public with intent that such packages shall be delivered or taken away from the premises of such brewer in unbroken packages for consumption off the premises of such brewer.

Brewers cannot sell or retail beer under retail permit.

Proviso.

Section 11. It shall be unlawful for any brewer or breweries to have or own any permit to sell or retail beer at any place or premises; it being the declared intention to prohibit brewers from engaging in the retail dispensation of beer; provided, however, that this shall not be so construed as to prohibit breweries from making sale and delivery of beer by them manufactured in original packages at either wholesale or retail.

Brewer must label all bottles.

Contents of label.

Also barrels.

How to be labeled.

Section 12. Every brewer, manufacturing and selling beer, shall put upon all bottles containing beer, a distinctive label, showing the nature of the contents, the name of the brewer, and the place where the beer was brewed, and shall show clearly on all barrels or other receptacles containing beer so manufactured, whether bottled or otherwise, the nature of the contents, the name of the brewer, and the place where the beer was brewed. For the purpose of this section, the contents of bottles, barrels or other receptacles containing beer shall be shown by the use of the word "beer", "ale", "stout", or "porter", on the outside of all bottles, barrels and receptacles.

Brewer's fee.

To whom brewer may sell.

Section 13. (1) Any brewer duly licensed as such by the United States of America, who manufactures beer in the State of Montana, may upon payment of a fee of Seven Hundred Fifty Dollars ($750), be licensed by the Board in accordance with the provisions of this Act, and such regulations as may be prescribed by the Board to sell and deliver

(a) Beer and malt liquors to a vendor,

(b) Beer to any person who is a holder of a subsisting permit to purchase beer under this Act,

(c) Beer to licensees who are entitled to purchase beer from a brewer under this Act; or to do any one or more of such things.

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(2) The Board may, in its discretion, grant or refuse such license and may from time to time, in the exercise of like discretion, with or without any hearing or the assigning of reason therefor, suspend or cancel any such license, and all rights of the brewer to sell or deliver beer or malt liquor thereunder. When the Board shall have refused to grant a brewer's license, as herein provided for, or shall revoke or suspend a license previously issued by it, the Board shall notify the applicant or the licensee, as the case may be, in writing by registered mail to the address of such applicant or licensee, of its action, giving the reasons therefor, and thereupon such applicant or licensee shall have a right of appeal to the District Court of the county in which he shall reside, from the action of the Board, by filing a notice with the Clerk of the District Court and paying the filing fee required to commence a suit or action in the District Court, which appeal must be so taken within thirty (30) days after the order made and entered by the Board. The trial shall be had before the District Court upon the record as presented to the Board and upon which its decision was rendered and there shall not be any additional evidence introduced or anything in the nature of a trial de novo.

Board may grant or refuse license.

May suspend or cancel.

Notice on refusal, suspension or cancellation.

Appeal to District Court.

Must be taken within 30 days.

No trial de novo.

(3) In addition to the annual license tax hereby imposed, a tax of Fifty Cents (50c) per barrel of thirty-one (31) gallons, is hereby levied and imposed on each and every barrel sold by such licensed brewer, which said tax shall be due at the end of each month and shall be payable with the return required to be made under the provisions of Section 7 hereof.

Tax per barrel sold by brewer.

Section 14. Any person desiring to sell and distribute beer as a wholesaler under the provisions of this Act shall apply to the Board for a permit to do so and tender with his application the license fee hereinafter provided for, together with a certificate of good moral character of the applicant by the County License Board, hereafter provided for by the provisions of Section 43 (c).

Application as wholesaler.

Upon being satisfied from such application, or otherwise, that such applicant is qualified as herein provided, the Board shall issue such license to such person, which license shall be at all times prominently displayed in

Duty of Board as to application of wholesaler.

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the place of business of such wholesaler. If the Board shall find that such applicant is not qualified, no license shall be granted and such license fee shall be returned.

Monthly report of wholesaler.

Section 15. Every wholesaler, licensed to do business in this state, as herein provided, shall on or before the fifteenth day of each month, make an exact return to the Board of the amount of beer manufactured in this state, sold and delivered by him, and also of the amount of beer manufactured in places outside of the state, sold and delivered by him, during the previous month, and of his inventory in the manner and form as shall be prescribed by the Board, and the Board shall have the right at any time to make an examination of the said wholesaler's books and of his premises, and otherwise check the accuracy of such return or to check the alcoholic content of beer which he may have on hand.

Penalty for violation.

Section 16. Any wholesaler who fails to make the return to the Board provided for in Section 15 hereof, shall be liable to a penalty of not less than Fifty Dollars ($50) per day for each day of delay, and any wholesaler who refuses to allow such examination, as provided for in Section 15 hereof, or fails to make an accurate return according to the manner prescribed, shall be guilty of an offense and shall be liable to a fine not exceeding One Thousand Dollars ($1,000). With such return, the said wholesaler shall pay to the Board the amount of tax upon all beer not manufactured in this state, on the basis hereinafter provided, which shall have been sold by him during such previous month.

Tax.

To whom wholesaler may sell.

Section 17. It shall be lawful for any wholesaler to sell and deliver beer purchased or acquired by him to a hotel, restaurant, wholesaler, retailer or to a common carrier, holding and having a license under this Act.

May sell to public for consumption off the premises.

Section 18. It shall be lawful for any wholesaler to sell, deliver or distribute any beer purchased or acquired by him to the public in original packages with intent that such packages shall be taken away from the premises of such wholesaler in unbroken packages for consumption off the premises of such wholesaler.

Unlawful to allow consumption on premises.

Section 19. It shall be unlawful for any wholesaler to sell, serve or give away any beer to be consumed on such wholesaler's premises.

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Tax per barrel on imported beer sold by wholesaler.

Section 20 A tax of Fifty Cents (50c) per barrel of thirty-one (31) gallons, is hereby levied and imposed on each and every barrel of beer manufactured out of this state and sold herein by any wholesaler, which said tax shall be due at the end of each month from said wholesaler, upon any such beer so sold by him during that month. As to any beer imported and sold in containers other than barrels, or in barrels of more or less capacity than thirty-one (31) gallons, the quantity content shall be ascertained and computed by the Board in determining the amount of tax due, as herein provided for.

Ascertaining tax for odd barrels.

Application by hotel.

Section 21. Any person, operating or conducting a bona fide hotel, as defined by this Act, and desiring to sell or dispense to his guests and patrons beer under the provisions of this Act, shall first apply to the Board for a permit so to do and pay with such application the license fee herein prescribed; the Board shall require of such applicant satisfactory evidence that the applicant is of good moral character and a law abiding person. Upon being satisfied from such application, or otherwise, that such applicant is qualified as herein provided, the Board shall issue such license to such person, which license shall be at all times prominently displayed in the place of business of such applicant. If the Board shall find that such applicant is not so qualified, no license shall be granted and such license fee shall be returned. The Board shall have the right at any time to make an examination of the books of such hotel and of the premises thereof, to ascertain if such hotel is conforming to the provisions of this Act and to check the alcoholic content of beer being kept in such hotel.

Requirements.

Duty of Board.

Power to inspect books of hotel and premises.

Where and to whom hotels may serve beer.

Section 22. It shall be lawful for any hotel to sell and serve beer, either on draught or from bottles, to any of its bona fide guests in their rooms in such hotel and to sell and serve beer either on draught or from bottles to any of its patrons to be consumed with meals, only furnished in good faith, to such patrons in any dining room operated by such hotel and which is a part thereof.

Unlawful to buy from unlicensed brewer or wholesaler.

Section 23. It shall be unlawful for any hotel operator or employee thereof to purchase, acquire, have or possess, any beer except such as shall be purchased from a brewer or wholesaler, licensed to sell the same under the provisions of this Act.

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Unlawful to sell to person under 21 or to a drunk person.

Section 24. It shall be unlawful for any such hotel operator, restaurant, club or other licensee, or any employee thereof, to sell, dispose of, serve or give away on the premises of such hotel, restaurant, club or other licensee, any beer to any person under the age of twenty-one (21) years, or to any person who shall appear to be in an intoxicated or disorderly condition.

Application by restaurant.

Requirements.

Duty of Board.

Section 25. Any person, operating or conducting a bona fide restaurant, as defined by this Act, and desiring to sell or dispense to his patrons, beer under the provisions of this Act, shall first apply to the Board for a permit so to do and pay with such application the license fee herein prescribed. The Board shall require of such applicant satisfactory evidence that the applicant is of good moral character and a law abiding person. Upon being satisfied from such application, or otherwise, that such applicant is qualified as herein provided, the Board shall issue such license to such person, which license shall be at all times prominently displayed in the place of business of such person. If the Board shall find that such applicant is not qualified, no license shall be granted and such license fee shall be returned. The Board shall have the right at any time to make an examination of the books of such restaurant and of the premises thereof to ascertain if such restaurant is conforming to the provisions of this Act and to check the alcoholic content of beer being kept in such restaurant.

Power to inspect books of restaurant and premises.

To whom beer may be served.

Section 26. It shall be lawful for any such restaurant to sell and serve beer either on draught or in bottles to its patrons, to be consumed with meals only, furnished in good faith, to such patrons of such restaurant.

Unlawful to buy from unlicensed brewer or wholesaler.

Section 27. It shall be unlawful for any restaurant to sell serve or furnish beer, except as herein provided, or to purchase or acquire beer from anyone except a brewer or wholesaler, licensed to sell the same under the provisions of this Act.

Application for retail license.

Section 28. Any person, subject to the preference rights herein provided for the issuance of licenses to hotels under the terms of this Act, desiring to possess and have for sale beer, under the provisions of this Act, for the purpose of selling it at retail, shall first apply to

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the Board for a permit so to do and tender with such application the license fee herein provided for and in addition shall furnish a certificate of good moral character, qualification and standing issued by the County License Board hereinafter provided for in Section 43 (c). Upon being satisfied from such application or otherwise that the applicant is qualified as herein provided, the Board shall issue a license to such person, which license shall at all times be prominently displayed in the place of business of the applicant. If the Board shall find that the applicant is not qualified, no license shall be granted and the license fee tendered shall be by the Board returned. The Board shall have the right and is hereby given authority to make, at any time, an examination of the books of account of any such retailer and of his premises and otherwise check his methods of conducting business and the alcoholic contents of the beer kept by him for sale.

Requirements.

Duty of Board.

Power to inspect books of retailer and premises.

Section 29. It shall be lawful for such retailer to sell and serve beer either on draught or in bottles to the public to be consumed on the premises of such retailer.

Where and to whom retailer may sell beer.

Section 30. It shall be lawful for such retailer to sell or furnish beer in original packages to the public with intent that such packages shall be taken away from the premises of such retailer in unbroken packages for consumption off the premises of such retailer.

May also sell in packages to be taken off premises.

Section 31. It shall be unlawful for such retailer to purchase or acquire beer from anyone except a brewer or wholesaler licensed under the provisions of this Act, or to sell or dispose of beer to any person under the age of twenty-one (21) years, or to any person who shall appear to be in an intoxicated or disorderly condition, or to allow or permit any intoxicated or disorderly person to come into or remain in or about his premises.

Unlawful to buy from unlicensed brewer and to sell to person under 21 and etc.

Section 32. Any club desiring to possess or have for sale beer under the provisions of this Act shall make application to the Board for a permit so to do, accompanied by the license fee herein prescribed, together with a certificate of good moral character and fitness, issued by the County License Board hereinafter provided for by Section 43 (c). Upon being satisfied from such application, or otherwise, that such applicant is quali-

Application by club.

Requirements.

Duty of Board.

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fied as herein provided, the Board shall issue such license to such club, which license shall be at all times prominently displayed in the club premises. If the Board shall find that such applicant is not qualified, no license shall be granted and such license fee shall be returned. The Board shall have the right at any time to make an examination of the premises of such club and to check the alcoholic content of beer being kept in such club.

Power to inspect.

What clubs prohibited from sale of beer.

Section 33. No club shall be granted a license to sell beer:

(a) If it is a proprietary club or operated for pecuniary gain.

(b) Unless such club was established as such club for at least one (1) year immediately prior to the date of its application for a license to sell beer.

Where and to whom they may sell beer.

Section 34. It shall be lawful for such club to sell and serve beer either on draught or in bottles to club members to be consumed on the premises of such club.

Proviso.

Section 35. It shall be unlawful for any such club to purchase or acquire beer from anyone except a brewer or wholesaler, licensed under the provisions of this Act.

Application by railroad or train.

Section 36. Any person maintaining or operating any railroad car or train as a common carrier for the transportation of passengers, desiring to sell beer under the provisions of this Act, shall first apply to the Board for a permit so to do, accompanying the application with the license fee herein prescribed. Upon being satisfied from said application or otherwise that the applicant is qualified under the provisions of this Act, the Board shall issue a license for the sale of beer by such person, which shall at all times be prominently displayed in the car, operated by the applicant, wherein beer or malt liquors are served. The Board shall have the right at any time to make an inspection of the train or cars operated by any railway company in this state, to ascertain whether this Act is being strictly complied with, and if not, the Board is authorized and empowered to cancel such license, after which the sale of any beer or malt liquors by any such common carrier shall be unlawful and subject to the penalties herein prescribed.

Duty of Board.

Right to inspect.

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And it shall be unlawful for any such common carrier to sell beer or malt liquors to any person under the age of twenty-one (21) years or who may appear to be in an intoxicated or disorderly condition.

Unlawful to sell to person under 21.

Section 37. It shall be unlawful for the operator of any such railroad train, as a common carrier, or its employes, to make sale of or dispose of any beer or malt liquors except such as shall have been lawfully acquired or purchased from a brewer, wholesaler or retailer duly licensed.

Unlawful to sell unless purchased from licensed brewer or wholesaler.

Section 38. Nothing herein contained shall be so construed as to mean that a person holding a hotel or restaurant license may not apply for and obtain a retail dealer's license, or serve and sell beer at retail on the premises of such hotel or restaurant.

Licensed hotel or restaurant may also have retail license.

Section 39. It shall be unlawful for any person to drink beer in any public place, except in a licensed hotel, a licensed restaurant, a licensed retailer's premises, in the vehicle of a licensed common carrier, or at a banquet where a special permit has been obtained under the provisions of this Act.

Unlawful to drink beer in public place.

Exceptions.

Section 40. No licensee under the provisions of this Act shall employ or permit any person, either as a waiter or waitress, to serve beer to patrons, unless possessed of good moral character.

Qualifications of waiters to serve beer.

Section 41. Upon receipt of an application, the County License Board, hereinafter provided for, may, subject to such regulations as may be promulgated by the State Board of Equalization in that behalf, grant a special permit to any organized society, association or other duly constituted organization, whether incorporated or not, permitting the officers to purchase and serve beer at a banquet, or dinner; provided that it shall be unlawful to purchase or acquire beer for such purposes from anyone except a brewer, wholesaler, or retailer duly licensed under the provisions of this Act.

Application for special permit to serve beer at a banquet or dinner.

Section 42. It shall be unlawful for any officer referred to in Section 41 hereof, to purchase or acquire beer from anyone except a brewer or wholesaler, licensed under the provisions of this Act.

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License to sell at retail at fixed location shall be approved by majority of County Board.

Section 43. (a) No license to sell at retail at a fixed location under the provisions of this Act, shall be issued until the application for the same shall have been approved by a majority of the members of the Board of License Control, hereinafter provided for, in the county where such retail place of business is to be located.

Number of licenses to retailers each year.

(b) The number of licenses granted by the Board to retailers in cities, towns and villages shall not in any one (1) year exceed:

One (1) license for the first Five Hundred (500) population, or fraction thereof;

A second license for the next Five Hundred (500) population, or fraction thereof, up to One Thousand (1,000) population;

A third license for a population of at least Two Thousand (2,000);

A fourth license for a population of at least Three Thousand (3,000); and

One (1) license for each additional Four Thousand (4,000) of population thereafter.

Board to appoint County License Board.

Duties.

(c) The Board shall be authorized and it is hereby made its duty to appoint in each of the several counties of the state a County License Board, to be composed of three (3) County Commissioners, whose duty it shall be to investigate the moral character, qualifications and standing of each applicant for a license to sell at retail or wholesale, at a place of business; and no license shall be issued by the State Board of Equalization until the application therefor has been approved by a majority of the County License Board.

County Board must approve all licenses.

Further limitations.

(d) In the issuance of licenses to retailers under the provisions of this Section, the following further limitations shall apply;

Hotel must have been in business one year prior to application.

(1) A hotel in order to obtain a license as provided in this Act for the sale of beer and for the preference rights herein provided for, must have been engaged in business for a period of at least one (1) year before making application for any such license.

No one shall have more than 2 licenses to sell beer in the state.

(2) In the issuance of wholesale licenses for the dispensing of beer in the several counties of the state, no

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more than two (2) licenses shall be issued to one (1) person, firm, partnership, corporation or association of individuals for the sale of beer anywhere within the State of Montana.

Hotel applicant preferred where only one retail license allowed.

(3) In all cases where the population of a city, town or village shall admit of the issuance of only one (1) retail license therein, the Board must issue the same to a hotel applicant, if there be one, as in this Act defined, provided said hotel applicant is otherwise qualified as herein prescribed.

Hotel preferred where 2 licenses.

(4) In all cases where the population of a city, town or village shall admit of the issuance of two retail licenses therein, the Board must issue one thereof to a hotel applicant, if there be one, as in this Act defined, provided said hotel applicant is otherwise qualified as herein prescribed.

Hotel preferred.

(5) In all cases where the population of a city, town or village shall admit of the issuance of three (3) or more retail licenses therein, the Board shall give preference in the case of each alternate application to a hotel applicant, if there be one, as in this Act defined, provided said hotel applicant is otherwise qualified as herein prescribed.

Interest to prefer sale through hotels.

Nothing in this section contained shall be construed to limit the issuance of licenses to hotels as in this Act defined; it being intended hereby, in the public interest and to facilitate regulation, to prefer the sale of beer through hotels.

Board may issue license to retailer outside of city limits.

Section 44. The Board, in its discretion, may issue a license to a retailer outside of the limits of cities, towns and villages.

License fees.

Section 45. Each licensee, under the provisions of this Act, shall pay an annual license fee as follows:

Wholesaler.

Each wholesaler, One Hundred and Fifty Dollars ($150);

Hotel.

Each hotel, One Hundred and Twenty-Five Dollars ($125);

Restaurant.

Each restaurant, One Hundred Dollars ($100);

Retailer.

Each retailer, Three Hundred Dollars ($300);

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Vehicle. Each vehicle, being a common carrier of passengers, Twenty-Five Dollars ($25); and

Club. Each club, Fifty Dollars ($50).

Date of expiration of licenses. All licenses issued in any year shall expire on the thirty-first day of December at midnight of such year.

Transfer by application. Provided, that a transfer of any such license may be made on application to the Board of Equalization, accompanied by an approval of such transfer by the County License Board, herein provided for. And provided further, that nothing in this Act contained shall in any manner be so construed as to prohibit or prevent

Cities and towns may enact ordinances covering. cities and incorporated towns from enacting ordinances for the enforcement of this Act and to license and regulate places of business where beer is sold, notwithstanding the fact that the persons conducting such places have obtained a license from the Board, the only restriction

Limitation. hereby imposed being that such regulatory license so imposed by any city or town shall be reasonable and not in excess of the amount imposed by the state.

Board may revoke or suspend. Section 46. If any of the licensees herein described shall be convicted of any violation of any of the provisions of this Act, or if the Board shall find, upon such examination, that such licensee has violated any of the provisions of this Act, the Board may, in its discretion, and in addition to the penalties hereinbefore prescribed,

Time allowed to suspend. revoke such license, or may suspend the same for a period of not more than three (3) months.

Notice where Board refuses, revokes or suspends. Section 47. If the Board shall refuse to grant any license provided for in this Act to any applicant, or shall revoke or suspend any license previously granted by it, it shall notify such applicant or licensee as the case may be, in writing, by registered mail, to the address of such applicant or licensee, of its action, giving the reason therefor, and such applicant or licensee shall have the

Appeal. right of appeal to the District Court of the County in which he shall reside from the action of the said Board, by filing such notice with the Clerk of the District Court, and paying the filing fee required to commence suit or action in such District Court within thirty (30) days after the order made and entered by the Board. The trial shall be had before the District Court upon the record as presented to the Board, and upon which its

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decision was rendered, and there shall not be any additional evidence introduced or anything in the nature of a trial de novo.

No trial de novo.

Section 48. Any person who shall violate any of the provisions of this Act, for which no penalty has been specifically provided, shall be liable to imprisonment in the county jail for not more than six (6) months or to a fine of not more than Five Hundred Dollars ($500), or both.

Penalty.

Section 49. All fees, charges, taxes and penalties provided by this Act, collected by or under authority of the Board, together with all revenues received from other sources under this Act, shall be paid into the State Treasury and constitute a Special Fund to be designated "Montana Beer Act Fund," which to the extent of fifteen percentum (15%) of the net amount of current revenues received and paid into the State Treasury, shall be available for the payment of the expenses of the Board in the administration of this Act, and the State Examiner shall quarterly audit the books of the Board in order to determine that the amount of money received as shown by the books of the Board correspond with the books of the State Treasurer. Whenever the amount of money in the "Montana Beer Act Fund" shall exceed Ten Thousand Dollars ($10,000), all in excess of the sum of Five Thousand Dollars ($5,000), shall be by the State Treasurer distributed as follows: One-half (½) thereof shall be transferred to the General Fund of the state; and the remaining one-half (½) thereof shall be apportioned to the various counties in proportion to the amount of fees, charges, taxes and penalties collected under the provisions of this Act from the several counties, providing that in determining the money to be apportioned to the several counties, providing that in determining the money to be apportioned to the several counties of the state, beer which is sold by breweries wherever located, shall be considered as a sale made within the county to which it is transported for wholesale or retail sale irrespective of the place of manufacture.

Montana Beer Act Fund.

Amount available for expenses.

Audit of books by Examiner.

Disposition of money of fund.

Proviso as to what county to be credited.

Section 50. **Election to be Ordered Upon Application of One-third (1/3) of the Voters of Any County.** Upon application by petition, signed by one-third (1-3) of the

Election by application of one-third of electors.

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voters who are qualified to vote for members of the Legislative Assembly in any county in the state, the Board of County Commissioners must order an election to be held at the places of holding elections for county officers, to take place within forty (40) days after the reception of such petition, to determine whether or not the sale of beer as herein provided for shall be permitted within the limits of the county. No election, under this section must take place in any month in which the General Elections are held. It shall be the duty of the Board of County Commissioners to determine the sufficiency of the petitions presented from an examination of the roll of qualified electors within the county.

Purpose.

Notice of election.

Section 51. **Notice of Election; Regulations; Qualifications of Voters.** The Notice of Election must be published once a week for four (4) weeks in such newspapers of the county where the election is to be held as the Board of County Commissioners may think proper.

Ballots; what to contain.

Section 52. **Ballots; What to Contain.** The County Clerk must furnish the ballots to be used at such election, as provided in the General Election Laws, which ballots must contain the following words: "Sale of beer, yes"; "Sale of beer, no." And the elector in order to vote must mark an 'X' opposite one (1) of the answers.

Election; how held.

Section 53. **Election; How Held.** The polling places must be established, the judges and other officers to conduct the election must be designated, and the election must be held, canvassed and returned in all respects in conformity to the General Election Laws of the State of Montana.

Result and effect.

Section 54. If a majority of the votes cast are against the sale of beer the Board of County Commissioners must publish the result once a week for four (4) weeks in the newspapers in which the notices of election were published, and from the date of the election no further licenses to vend beer in the county shall be issued by the Board of Equalization, and after the publication of notice proclaiming the result of the election as against the sale of beer, all licenses then existing shall be cancelled by the State Board of Equalization, and thereafter it shall be unlawful to sell any beer in any such county.

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When election shall be held.

Section 55. **No Election More Than Once in Two (2) Years.** No election shall be held in the same county oftener than once in any two (2) years.

How contested.

Section 56. **Election; How Contested.** Any election held under the provisions of this Act may be contested in the same manner as other elections under the laws of this State.

Saving clause.

Section 57. If any provision of this Act shall be held invalid, it shall not be construed to invalidate other provisions of this Act.

Repealing clause.

Section 58. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

When effective.

Section 59. This Act and the provisions thereof, shall become effective if and when the Congress of the United States passes legislation declaring beer of an alcoholic content of at least three per cent (3%) by weight to be non-intoxicating.

Approved, March 14, 1933.

CHAPTER 107

An Act Authorizing the Board of School Trustees of Any District, Whenever Such District Shall Have a Floating Warrant Indebtedness for Teachers' Salaries, School Supplies and Other Necessary Expenses Incurred in the Maintenance of Schools in Such District Represented by Warrants Heretofore Issued, as Well as by Warrants Issued Hereafter for the School Year Ending June 30th, 1933, Within the Amount of Taxes Levied and Not Collected, to Issue Bonds for the Purpose of Funding the Same; Prescribing the Procedure and Method of Issuing, Sale and Payment of Said Bonds, and Repealing Chapter 140, Laws of the Legislative Assembly for 1929.

Be it enacted by the Legislative Assembly of the State of Montana:

Board given power to issue bonds to take up floating warrant indebtedness.

Section 1. The Board of School Trustees of any school district in the State of Montana shall have, and are hereby given, an addition to the powers already conferred upon them, authority, whenever at any time such

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district shall have a floating warrant indebtedness incurred on or before July 1, 1933, or teachers' salaries, school supplies and other necessary expenses incurred in the maintenance of schools in such district represented by warrants heretofore issued, as well as by warrants issued hereafter for the school year ending June 30, 1933, within the amount of taxes levied and not collected, to fund such indebtedness and to issue either negotiable ten year amortization bonds or ten year serial bonds therefor and to pledge the credit and resources of the district for the payment of the principal and interest of such bonds.

Conditions.

Section 2. The funding bonds authorized by this Act shall be issued under the following conditions, to-wit:

Insufficient funds.

1. When there is not sufficient money to the credit of said school district applicable to the payment of any such outstanding warrant indebtedness; and

Tax would be burden.

2. When, in the judgment of the Board of School Trustees, to levy and collect a tax for the purpose of paying such warrant indebtedness would be a hardship and burden to said school district;

Vote of electors not necessary.

Provided, it shall not be necessary to submit the question of the issuance of such bonds to fund such warrant indebtedness to the vote of the electors of such district.

Act by resolution.

Section 3. The Board of School Trustees shall, by resolution, declare that the existing warrant indebtedness shall be funded by the issuance of bonds, which said resolution shall describe the amount and kinds of the warrant indebtedness which is to be funded and declare and certify as to the validity of such warrant indebtedness, which resolution and certificate shall be conclusive against the district as to the validity of the warrant indebtedness so funded in favor of innocent holders of said bonds.

Power of Board as to terms of bond issue.

Section 4. The Board of School Trustees shall, by resolution, fix the rate of interest which said bonds shall bear, not exceeding six per centum, payable semi-annually; the time of payment not exceeding ten years after date; if redeemable before maturity, the date thereof; and shall prescribe the denomination and form thereof; such bonds shall bear the signature of the Chairman of

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the Board of Trustees and shall be signed by the Clerk of said district; and the coupons attached to the bonds shall be signed by the said Chairman and Clerk, provided a facsimile of the signature of the Chairman and Clerk may be affixed to the coupon, only when so recited in the bonds, and the corporate seal of the school district shall be affixed to each of the bonds. Upon execution, the bonds shall be deposited with the County Treasurer, who shall register the same in a book provided for that purpose, which shall show the number and amount of each bond, its date, the date payable and redeemable, and the person to whom the same is issued, and the County Treasurer shall deliver the same to the person or persons, who shall surrender an amount of warrants which, with accrued interest, shall equal the par value of such bonds, and said warrants so received by the Treasurer shall be duly cancelled.

Duty of County Treasurer.

Section 5. The Board of School Trustees shall provide for a tax levy to pay the principal and interest of said bonds as they mature, in accordance with the provisions of Sections 25, 26, and 27 of Chapter 147 of the Legislative Assembly for the year 1927, also known as Sections 1224.25, 1224.26, and 1224.27, of the Supplement to the Revised Codes of the State of Montana for 1921.

Board shall provide tax levy.

Section 6. When the Board issues any bonds authorized by this chapter, it is its duty to sell the same and they shall give notice by advertising in some newspaper published in this state at least once a week for four consecutive weeks, the date of the first publication to be not less than thirty days prior to date of sale, such advertisement must state the date, hour and place where such sale will take place and shall describe the bonds to be sold, giving the amount, denomination, rate of interest, time payable, time redeemable, and purpose of the proposed bond issue. The Trustees are authorized to reject any and all bids and sell such bonds at private sale if they deem it for the best interest of the district, the proceeds from the sale of such bonds to be used wholly for the purpose of taking up and retiring the outstanding warrant indebtedness of the district as described in resolution provided by Section 4 of this Act; provided, however, that the Board may, if in its opinion it would be to the best interests of the district so to do, effect

Board shall sell.

Notice.

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an exchange of such school district bonds to take up such legal outstanding warrant indebtedness by issuing the same to any person or persons holding the school district warrants or just claims against the school district as set forth in the resolutions as provided in Section 4 of this Act, the exchange to be made dollar for dollar.

Repealing clause.

Section 7. Chapter 140 of the Legislative Assembly of the State of Montana for 1929, and all Acts or parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1933.

CHAPTER 108

An Act Providing That the Sale or Removal from the State of Montana of Personal Property Covered by a Conditional Sale Contract or Lease, Without the Consent of the Vendor or Lessor, or the Concealment of Said Property Within the State and Refusal to Deliver Possession After Default and Demand of Vendor or Lessor Shall Constitute a Larceny, and Prescribing the Penalty Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

What constitutes larceny under a conditional sales contract or lease.

Section 1. Every person who, having come into possession of any personal property under a conditional sale contract or lease under the terms of which the title to said personal property remains in the vendor or lessor, except locomotives, engines, rolling stock of a railroad, steamboat machinery and vessels in actual use, and who, not having fully complied with the conditions of said contract or lease, shall sell or dispose of such property, or any part thereof, without first obtaining the written consent of the vendor or lessor under such contract or lease, or shall remove or cause to be removed such property, or any part thereof, out of the State of Montana without first obtaining the written consent of the vendor or lessor under such contract or lease, or shall conceal such property within the State of Montana from said

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vendor or lessor and refuse to deliver possession thereof after default and demand for possession by said vendor or lessor, if such sale, removal or concealment be made with intent to deprive the vendor of his claim to said property or interest therein, shall be guilty of larceny, and shall be punished in the same manner and to the same extent as for larceny of property so removed, concealed or disposed of.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 109

An Act to Amend Section 6433, of the Revised Codes of the State of Montana of 1921, Relating to the Powers Invested in Any Organization Created Under the Co-operative Marketing Act, and Providing for the Handling of Products of Non-Members.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6433, of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 6433. Each association incorporated under this Act shall have the following powers: Powers of organization.

(a) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling, or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring or use by its members of supplies, machinery, or equipment; or in the financing of any such activities; or in any one or more of the activities specified in this section. No association shall handle the agricultural products of non-members in greater volume than that of members. General powers.

(b) To borrow money and to make advances to members. Borrow money.

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To act as agent.

(c) To act as the agent or representative of any member or members in any of the above mentioned activities.

To own shares of stock or bonds in related companies.

(d) To purchase or otherwise acquire, and to hold, own, and exercise all rights of ownership in, and to sell, transfer, or pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association.

To set up reserves and invest funds.

(e) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by-laws.

To own personal and real property.

(f) To buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association or incidental thereto.

To do everything necessary for the carrying out of objects of Act.

(g) To do each and every thing necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition any other rights, powers, and privileges granted by the laws of this state to ordinary corporations, except such as are inconsistent with the expressed provisions of this Act, and to do any such thing anywhere.''

Ordinary corporate powers.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 110

An Act to Amend Chapter 109, of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, Relating to the Regulation and Sale of Fuel Oil and Other Petroleum Products, by Adding After

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Section 7 Thereof, a New Section to be Known as Section 7-B, Providing Grades and Specifications for Domestic and Industrial Fuel Oils Kept, Offered or Exposed for Sale in the State of Montana for Heating and Industrial Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 109, of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended by adding thereto, after Section 7, a new section to be known as Section 7-B, as follows:

Standards of fuel oil.

"Section 7-B. The standards of quality and purity of domestic and industrial fuel oil, kept, offered or exposed for sale within the State of Montana, shall be as follows:

Domestic, Grade 1.

Domestic Fuel Oil, Grade 1, shall be light distillate for use in burners, and shall have a flash point not lower than 150 degrees Fahrenheit and not higher than 170 degrees Fahrenheit, measured by the "Tag Open Cup Method." When ten per centum has been recovered in the receiver the thermometer shall not read more than 420 degrees Fahrenheit, and the end point shall not be higher than 600 degrees Fahrenheit. Water and sediment shall not exceed .05 per cent.

The pour point shall be 30 degrees Fahrenheit.

Domestic, Grade 2.

Domestic Fuel Oil, Grade 2, shall be a medium distillate oil for use in burners, and shall have a flash point not lower than 150 degrees Fahrenheit, nor more than 200 degrees Fahrenheit, measured by the "Tag Open Cup Method." When ten per centum has been recovered in the receiver the thermometer shall not read more than 460 degrees Fahrenheit, and when ninety per centum has been recovered in the receiver the thermometer shall not read more than 620 degrees Fahrenheit, water and sediment shall not exceed .05 per cent.

The pour point shall be 30 degrees Fahrenheit.

Domestic, Grade 3.

Domestic Fuel Oil, Grade 3, shall be a heavy distillate fuel oil, and shall have a flash point not lower than 150 degrees Fahrenheit, nor higher than 225 degrees Fahrenheit, measured by the "Tag Open Cup Method." When ten per centum has been recovered in the receiver the

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thermometer shall not read more than 460 degrees Fahrenheit, and when ninety per centum has been recovered in the receiver the thermometer shall not read more than 675 degrees Fahrenheit. The viscosity shall not be greater than 55 seconds at 100 degrees Fahrenheit, using method 30.41 in United States Fuel Mines Technical Paper 323-B. Water and sediment shall not exceed .01 per cent.

Pour point shall be 30 degrees Fahrenheit.

Grade 4.

Fuel Oil, Grade 4, shall be a fuel oil for domestic heating or industrial purposes, and shall have a flash point not lower than 150 degrees Fahrenheit, measured by the "Tag Open Cup Method." The viscosity shall not be greater than 125 seconds at Saybolt 100 degrees Fahrenheit, using method 30.41 in United States Bureau of Mines Technical Paper 323-B."

Repealing clause.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 111

An Act to Aid, Assist and Facilitate the Making of Loans to the Owners of Grain by Corporations, Associations or Agencies Created Under or by Authority of the Act of the Congress of the United States for the Purpose of Making Loans to Aid Agriculture; Providing for the Sealing of Grain Mortgaged to Any Such Corporation, Association or Agency as Security in Whole or in Part for Loans Obtained from it, the Appointment of Sealers by the Farm Storage Commissioner, the Issuance of Certificates, the Filing Thereof, the Fees to be Paid; Providing Penalties for the Breaking of Seals and for the Removal of Sealed Grain; Prescribing Duties of Officers and Prior Lienholders Seizing Said Grain and of the Farm Storage Commissioner.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose and object.

Section 1. The purpose and object of this Act is to aid, assist and facilitate any loaning corporation, asso-

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ciation or agency created by or under authority of the Acts of the Congress of the United States for the purpose of aiding agriculture, in loaning money upon the security, in whole or in part, of grain stored on farms or other suitable places, and to aid, assist and facilitate the owners of said grain to obtain loans from the said corporations, associations or agencies.

Power of Farm Storage Commissioner.

Section 2. In addition to the powers conferred upon the Farm Storage Commissioner by Chapter 27, of the Laws of 1929, and the Acts amendatory thereof, the said Farm Storage Commissioner may, upon the request of any such corporation, association or agency, appoint a person or persons designated by it as a sealer or sealers of grain and when so appointed he, or they, shall serve without pay and hold office at the will of the said Commissioner. Said sealer or sealers appointed under the terms of this Act shall exercise the duties herein prescribed only when the owner of the grain to be sealed has obtained, or has applied for, a loan from such corporation, association, or agency, secured, or to be secured, wholly or in part by a mortgage upon such grain.

Appoint a sealer.

When sealer shall act.

Duty of sealer.

Section 3. Whenever requested by the owner of any grain who has obtained or applied for a loan from any such corporation, association or agency, which loan has been, or is to be, secured wholly or in part by a mortgage upon said grain, the said corporation, association, or agency concurring in said request, the sealer shall ascertain the kind of grain which the owner has in store on his farm or at any other suitable place, and the quantity thereof, which shall be determined in the presence of the owner, and said sealer shall at the time of sealing the same make a certificate in triplicate showing the name and address of the owner, the amount of grain stored, the place where stored, a description of the building, room or container in which it is stored, the quantity stored, and that the grain and quantity shown were sealed by him in the building, room or container described. The certificate must also bear a signed statement by the owner that he requested the sealing to be done, that he was present at the time of the sealing, that the matters and things stated in the certificate are true of his own knowledge, that the grain was sealed in his presence, and that he is the sole owner of the grain. If

Owner must request sealing.

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there be more than one owner the statement must be signed by each of the owners. Blank certificates shall be furnished by the Farm Storage Commissioner, and one of said executed certificates shall be filed in the office of the Farm Commissioner, one shall be delivered to the owner of the grain and the other to the said corporation, association, or agency from which the loan has been, or will be obtained. The sealer must, at the time the said certificate is executed, seal the building, room or container containing said grain with seals provided by the Farm Storage Commissioner.

Filing fee.

Section 4. The Farm Storage Commissioner shall collect the sum of Fifty Cents for filing the certificate in his office and the funds so derived shall be used for the purpose of providing blank certificates and seals for the use of the sealers and other expenses in the administration of this Act.

Penalty for violation.

Section 5. Any person who shall wilfully break any of said seals so affixed by the sealer or wilfully remove the grain, or any part thereof, in any manner from the building, room or container wherein it is stored and sealed, except by authority in writing granted by the corporation, association or agency to which said grain is, or is to be, mortgaged, shall be deemed guilty of a felony, and upon conviction be punished by imprisonment in the Montana State Prison for a period of not less than one year nor more than five years, or a fine of not to exceed Five Thousand Dollars, or both.

Exemption, officer with Court authority.

Duty of officer to give notice.

Section 6. The foregoing sections shall not apply to any officer seizing said grain under process from a Court of competent jurisdiction nor to any person or his agent who may seize the same under or by virtue of a lien that is prior to the lien of the mortgage of the corporation, association or agency; providing, further, that such officer, person or agent shall immediately notify the Farm Storage Commissioner, stating under what authority he acts and that he has seized said grain, whereupon said Commissioner shall immediately notify said corporation, association or agency thereof.

Repealing clause.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

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Section 8. An emergency is hereby declared to exist and this Act shall be in full force and effect immediately upon its passage and approval.

Approved March 14, 1933.

CHAPTER 112

An Act to Amend Section 2843 of the Revised Codes of Montana of 1921, Relating to the Time for Which an Election Binds Employer Under Workmen's Compensation Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2843 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 2843. If the employer shall fail to make the election herein provided for, at the time and in the manner herein prescribed, such employer shall be presumed to have elected not to be bound by the provisions of either Compensation Plan Number One, or Compensation Plan Number Two, or Compensation Plan Number Three for that fiscal year, unless such employer shall elect to become subject to or bound by this Act in the manner provided for such election in the first instance. After having once elected to be bound by one or the other of the compensation plans provided in this Act, such employer shall be bound by such election, except as hereinafter provided, for said first fiscal year and each succeeding fiscal year, provided however that such employer may at any time upon thirty days written notice to the insurer or the Board, as the case may be, elect to be bound by a different compensation plan than the one by which he is then governed. Such election must be made in the manner provided for in reference to the first election of such employer under this Act."

Employer's election of plan for compensation.

Failure to select plan.

Where plan is chosen.

Proviso for changing plan.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

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CHAPTER 113

An Act to Amend Section 3716, of the Revised Codes of Montana of 1921, Relating to the Possession or Use of Traps, Seines or Nets.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3716, of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Possession or use of traps, seines or nets unlawful.

"Section 3716. It is unlawful for any person or persons to have in their possession or under their control any seine, net or other similar device for capturing fish. A seine or net found in any vehicle, at the camp, or on the premises of any person shall be prima facie evidence that the said seine, net or similar device belongs to the person or persons occupying said camp or premises; pro-

Exemptions.

vided, that nothing herein contained shall apply to the owners of private fish ponds, as defined under the statute, nor to a person or persons having unexpired seine or net license, as provided for in the statutes of Montana; provided, further, that nothing herein contained shall apply to the use, by any person, of a landing net used in connection or in addition to pole, line and hooks, in fishing for game fish; and provided, further, that nothing herein contained shall apply to the possession of traps, seines or nets where found in the vicinity of any waters which the Fish and Game Commission have designated within the state, where traps, seines or nets may be used for the taking of non-game fish and Dolly Varden trout, as provided for in the statutes of Montana."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect immediately from and after its passage and approval.

Approved March 14, 1933.

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CHAPTER 114

An Act to Amend Section 7249, Revised Codes of Montana, 1921, to Provide for Payment of Certain Irrigation District Assessments by the Surrender of Certain Bonds and Coupons.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7249, Revised Codes of Montana, 1921, be and the same is hereby amended to read as follows:

"Section 7249. **Liability of County Treasurers.** The County Treasurer to whom district funds or securities are intrusted shall be liable on his bond for the safe keeping of said funds and securities, and such funds shall be properly divided into the respective funds for which district taxes or assessments were levied; that is to say, United States contract fund; bond principal and interest fund; sinking fund to redeem bonds; maintenance fund; construction fund; and general fund. The construction fund shall be available for the payment of the purchase price of all works, water rights, or other property purchased by or for the district, and all expenses incident thereto; as well as for the payment of the cost of construction of works, including cost of engineering, superintendence, and other expenses incident thereto. All warrants issued for preliminary and organization expenses and all administrative expenses shall be paid from the general fund. The County Treasurer is authorized to receive, in lieu of cash, matured bonds and/or matured coupons or interest coupons maturing within the year in payment of any tax or assessment levied for the payment of bonds or interest on bonds, and the County Treasurer at any time, upon the order of the Board of Commissioners of the district, shall turn over to said Board any bonds or securities held by him and required to be delivered to said Board in accordance with the provisions of this Act.

Liability of Treasurer.

Funds.

Construction fund.

General fund.

May pay assessments by surrender of certain bonds and coupons.

All bonds and interest coupons so received or otherwise paid, and all bonds of the district upon the payment thereof, shall be immediately cancelled and retained by the County Treasurer as vouchers."

Bonds or coupons received must be cancelled.

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Section 2. This Act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1933.

CHAPTER 115

An Act to Amend Sections 3 and 4, of Chapter 188, of the Session Laws of 1931, Relating to Limitation of County Indebtedness and Terms of Bonds and Rates of Interest.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3, of Chapter 188, of the Session Laws of 1931, be, and the same is hereby amended to read as follows:

Limitation of county indebtedness.

"Section 3. No county shall issue bonds for any purpose which, with all outstanding bonds and warrants, except county high school bonds and emergency bonds, will exceed two and one-half per centum. of the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the issuance of such bonds; provided, however, that a county may issue bonds which, with all outstanding bonds and warrants will exceed two and one-half per centum, but will not exceed five per centum. of the value of such taxable property, when necessary to do so for the purpose of replacing, rebuilding, or repairing county buildings, bridges or highways which have been destroyed or damaged by an act of God, disaster, catastrophe, or accident, or when necessary to do so for the purpose of acquiring land for a site for county high school buildings and for erecting or acquiring buildings thereon and furnishing and equipping the same for county high school purposes; provided, however, that this Act shall not be construed to extend limitations on bonded indebtedness for county high school purposes, as fixed by Section 1276, of the Revised Codes of 1921, and Acts amendatory thereof; and further provided, that the foregoing limitations shall not apply to refunding bonds issued for the purpose of paying or retiring county bonds

Exceptions.

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lawfully issued prior to March 1, 1923. All bonds issued by any county in excess of the limitations herein fixed shall be null and void. The words "Value of the Taxable Property", as used in this section, are used in the same sense as in Section 5, of Article 13, of the Constitution, and shall be given the same meaning and construction."

Null and void if in excess.

Section 2. That Section 4, of Chapter 188, of the Session Laws of 1931, be, and the same is hereby amended to read as follows:

"Section 4. No bonds issued for any of the purposes designated in Subdivisions (a), (b), or (c), of Section 1 of this Act, shall be for a longer term than twenty years; no bonds issued for any of the purposes designated in Subdivisions (d), or (e), of Section 1 of this Act, shall be for a longer term than ten years; no bonds issued under Subdivision (f) of this Act shall be issued for a longer period than ten years except when such bonds, together with all other outstanding indebtedness, shall exceed five per centum. of the value of the taxable property, then such bonds may be issued for a term not to exceed twenty years; and no bonds issued for any of the purposes designated under Subdivision (g), of Section 1 of this Act, shall be for a longer term than five years. All bonds issued for a longer term than five years may be redeemable, at the option of the county, at any time before maturity when so stated in the bonds. The maximum rate of interest which any of such bonds may bear shall be six per centum. per annum, and shall be payable semi-annually."

Term of bonds.

Power to redeem.

Rate of interest.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

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CHAPTER 116

An Act Relating to the Granting of Stays of Proceedings in Actions Instituted in the District Courts for the Foreclosure of Mortgages on Real Estate.

Be it enacted by the Legislative Assembly of the State of Montana:

Owner may file application to stay all proceedings.

Section 1. In any action heretofore or hereafter instituted in any District Court for the purpose of foreclosing a mortgage on real estate, the owner or owners of such real estate may, at any time before a sale thereof under a decree or order of the Court in such action, file in such Court an application for an order staying all proceedings in such action until the further order of the Court, which application must set forth fully the reasons why such application is made and why the stay of proceedings should be ordered.

Order must be made setting a day for hearing.

Section 2. When any such application is filed the Judge of such District Court must make an order setting a day for hearing the same, which must be not less than five days nor more than ten days from the date of such order, and a copy of such order, together with a copy of the application must be delivered to the plaintiff in such action, or his attorney, at least three days before the day set for hearing such application, and all proceedings shall be stayed in such action until such application has been heard and an order has been made with regard to the same. Such hearing may be had either at chambers or in open Court.

Chambers or Court.

When proceedings shall be stayed.

Section 3. If, on such hearing, it shall appear to the Court, or the Judge thereof, that good and sufficient reasons exist therefor, an order may be made granting a stay of all proceedings in such action until the further order of the Court, but no such order shall stay any such proceedings beyond March 1st, 1935. There must be included in any order staying proceedings such other provisions as the Court, or Judge thereof, may deem necessary and proper with regard to the custody or possession of the property, payment of interest on the debt, payment of taxes, disposition of crops, rents or profits therefrom, or for the preservation or care of the property.

Provision as to care of property, etc.

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May have time extended.

Section 4. When an order has been made staying proceedings in any such action, and the time for which such proceedings were stayed is about to expire, the owner or owners of such property may file an application for an order extending the time for which such proceedings shall be stayed, which application shall be filed, notice thereof given, and hearing thereon had, and an order made with regard thereto, in the same manner and to the same extent as though such application was made under Section 1 of this Act. In no event shall such continued stay extend beyond March 1, 1935.

Final date.

May rehear.

Section 5. The Court may, at any time after four months from the date of making an order staying proceedings in any such action, upon written motion of the plaintiff, or his attorney, and which motion must be served upon the owner or owners of the property, or the attorney for such owner or owners, hold a rehearing on such application for stay of proceedings, and on such rehearing may continue the order staying such proceedings in force, or may set aside such order, or may modify it in any respect, or may make any other, further or additional order as the Court may deem necessary and proper in the premises.

May continue or set aside order to stay

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Repealing clause.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 14, 1933.

CHAPTER 117

An Act to Permit the Organization of Irrigation Districts by the Owners of Water of Adjudicated Water Right Streams for the Specific Purpose of Operation, Administration and Improvement of Such Streams Without the Interference with or Requisition of the Decreed Water Rights of Such Streams and Conferring on Such Districts the Powers, Duties and Status of a Public Corporation Necessary to Carry Out the Purposes and Intent of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose and intent.

Section 1. It is the purpose and intention of this Act

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in the furtherance of public welfare to provide an effective public agency for the improvement, development and maintenance of certain existing irrigation systems in cases where administration thereof, through the agency of a Water Commissioner and the present existing statutes, is not effective.

When the Act shall apply.

Section 2. This Act shall apply only when twenty or more owners of land with water rights appurtenant thereto, serving at least two thousand acres of land contiguous in location or of reasonably compact area, all being served by one stream and its branches or from one source of water supply, and in which the rights to the use of water shall have been determined by decree of a Court of competent jurisdiction.

How to organize.

Section 3. Whenever the owners of land and water rights, as described in Section 2 hereof, desire to organize for the purposes mentioned in this Act, a petition to that effect, signed by not less than sixty percent. of the individual landowners who shall represent not less than fifty-one percent. of the irrigable acres to be affected by such district and fifty-one percent. of the inches of water decreed or adjudicated in the stream in which such irrigation district is to operate, shall be filed with the Clerk of the District Court of the county or counties in which such district is to be created. It is provided, however, that for the purposes of determining whether the requirement of acreage and water inches has been met by the petition, water diverted from the adjudicated stream and distributed under other irrigation districts than the one to be created under this Act, shall not be considered; however, such water and acreage shall be required to pay any and all assessments the same as other water and acreage affected by irrigation districts created under this Act. Upon filing of said petition, the Court shall set a date for a hearing on the petition, and a written notice not less than five days prior to such hearing shall be mailed to each landowner or water right owner affected by the proposed district. If the Court finds, from such hearing, that an irrigation district, as prayed for in the petition, is feasible and practical, the Court shall issue an order creating such irrigation district, which shall constitute the authority for the district to function for the purposes and intent as outlined

Hearing and notice.

Created by order of Court.

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in this Act. The Court shall appoint five Commissioners who shall be landowners or water right owners, affected by such district, to act until the first annual meeting, as provided hereafter.

Meeting and election of Trustees.

Section 4. On the first Monday in March of each year after the creation of the district, a meeting of the water right owners of such district shall be called, time and place for such meeting to be published in at least two issues of the local paper prior to such meeting, and at such meeting a Board of Trustees of five members to serve for one year shall be elected by ballot.

Duty of Trustees.

Section 5. The Board of Trustees shall be authorized to develop the source of supply, to clean, improve and develop the channel of the stream, and to do and perform other work on the main distributing system as will be beneficial to the better distribution of the waters of such decreed water right stream, but in no case shall the Board, to cover the expenses of such work, levy to exceed twenty-five cents per acre in any one year. It is further provided, that when waters of the stream under the irrigation district, created by this Act, are commingled with other waters or it is difficult to determine just how many acres are irrigable by the water rights held in such stream, the acre basis of levy shall be determined by the number of inches owned by such party or parties at the rate of one inch of water, statutory measurement, to the acre. It is further provided, that the Board shall have no authority to issue bonds or to incur any indebtedness other than warrant indebtedness under the limitations proposed by law.

Limitation on levy.

How acres irrigable shall be determined.

Proviso.

Basis and apportionment of annual tax.

Section 6. The annual tax levy and the apportionment and distribution of the total amount required to be raised in any year shall be had and done in accordance with the provisions and limitations of law applicable to irrigation districts organized under the provisions of Sections 7166 to 7264, inclusive, of the Revised Codes of Montana of 1921, and amendments thereof and additions thereto.

Not to conflict with other irrigation regulations.

Section 7. This Act is not intended to conflict in any way with present statutes governing the appointment and duties of Water Commissioners on adjudicated water right streams or the operation of statutes as to the juris-

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diction of Courts over such Commissioners and water rights and distribution of water under Court decree, but is for the sole purpose of making it possible for users of water out of decreed water right streams to improve the stream channel and conserve water in the best possible manner through the agency of an irrigation district, as provided for in this Act.

Purpose.

How district is dissolved.

Section 8. A district created under this Act may be dissolved by Court order upon proper hearing and in the same manner as this Act provides for its creation.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 118

An Act to Amend Section 4452, of the Revised Codes of Montana, 1921, Relating to Board of County Commissioners and How Composed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4452, of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

County Commissioners.

Number and term.

"Section 4452. **Board, How Composed.** Each county must have a Board of County Commissioners, consisting of three members, whose term of office is six years."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

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CHAPTER 119

An Act Requiring and Authorizing the Board of Commissioners of an Irrigation District to Enforce All By-Laws, Rules and Regulations Adopted in Pursuance to Section 7174 of the Revised Codes of Montana of 1921, as Amended by Chapter 157 of the Laws of the Eighteenth Legislative Assembly, Relative to the Apportionment and Distribution of Water to the Lands of the District and for the Protection and Preservation of the Works and Other Property of the District, and Granting Authority to Such Commissioners for That Purpose.

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of Board.

Section 1. It shall be the duty of the Board of Commissioners of an irrigation district to enforce any by-law, rule or regulation promulgated or adopted by them relative to the apportionment and distribution of water to the lands of the district, or for the protection and preservation of its works and other property as provided by Section 7174 of the Revised Codes of Montana of 1921, as amended by Chapter 157 of the Laws of the Eighteenth Legislative Assembly, and for that purpose such Board of Commissioners shall have, in addition to all other powers granted to them by the laws of the State of Montana, the supervision and control of all the works and property of the irrigation district, including all headgates, flumes, spillways, boxes, canals, ditches, laterals, by-laterals and other works necessary for the distribution of said water, and shall have the right to enter on any land on which such works, headgates, flumes, spillways, boxes or canals are located, or through which any such canal, ditch, lateral or by-lateral may extend, for the purpose of enforcing any by-law, rule or regulation adopted or promulgated by such Board of Commissioners.

Power to supervise and control all works and property of irrigation district.

Section 2. This Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 14, 1933.

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CHAPTER 120

An Act Relative to Exemptions from Execution in Certain Cases.

Be it enacted by the Legislative Assembly of the State of Montana:

Exemption allowed man or woman over 60.

Section 1. An unmarried man or woman, over the age of sixty years, shall be allowed the same exemptions as are granted to the head of a family, under the laws of the State of Montana.

Truck or auto of the value of not more than $300.

Section 2. In addition to all other exemptions, the following property is exempt from execution, where the debtor is the head of a family, or over sixty years of age: One truck or automobile of the value of not more than Three Hundred Dollars.

Saving clause.

Section 3. Nothing herein contained shall be interpreted or construed as repealing any provisions of Sections 9427 or 9428 of the Revised Codes of Montana of 1921.

Repealing clause.

Section 4. All Acts or parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 121

An Act to Amend Section 4916 of the Revised Codes of Montana of 1921, as Amended by Chapter 111 of the Laws of the Twentieth Legislative Assembly and by Chapter 89 of the Laws of the Twenty-first Legislative Assembly of the State of Montana, Relating to the Fees, Mileage and Expense of Sheriffs.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4916 of the Revised Codes of Montana of 1921, as amended by Chapter 111 of the Laws of the Twentieth Legislative Assembly, and Chapter 89

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of the Laws of the Twenty-first Legislative Assembly, be, and the same is hereby amended to read as follows:

"Section 4916. **Fees of Sheriff.** For the service of summons and complaint on each defendant, One Dollar ($1.00); Fees of Sheriff.

For levying and serving each writ of attachment or execution on real or personal property, One Dollar ($1.00);

For service of attachment on the body or order of arrest on each defendant, One Dollar ($1.00);

For the service of affidavit, order, and undertaking in claim and delivery, One Dollar ($1.00);

For serving a subpoena, Twenty-five Cents (25c) for each witness summoned;

For serving writ of possession or restitution, Two Dollars ($2.00);

For trial of the right of property or damages, including all services except mileage, Three Dollars ($3.00);

For taking bond or undertaking in any case authorized by law, One Dollar ($1.00);

For serving every notice, rule or order, One Dollar ($1.00), for each person served;

For copy of any writ, process or other paper when demanded or required by law, Twenty Cents (20c) for each folio;

For advertising any property for sale on execution or under any judgment or order of sale, exclusive of cost of publication, One Dollar ($1.00);

Expense of taking and keeping property under attachment.

For the expense in taking and keeping possession of and preserving property under attachment, execution or other process, such sum as the Court or Judge may order, not to exceed the actual expense incurred, and no keeper must receive to exceed Two Dollars and Fifty Cents ($2.50) per day and no keeper must be employed without an order of Court, nor must he be so employed unless the property is of such character as to need the personal attention and supervision of a keeper. No property shall be placed in charge of a keeper if it can be safely and securely stored, or where there is no reasonable danger of loss.

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Mileage fees allowed.

In addition to the fees above specified, the Sheriff shall receive for each mile actually traveled, in serving any writ, process, order or other paper including a warrant of arrest, or in conveying a person under arrest before a magistrate or to jail, only his actual expenses when such travel is made by railroad and Eight and One-half Cents (8½c) when travel is made other than by railroad, both going and returning, and he shall also be allowed mileage based upon the above rates for each person transported under an order of Court, for the actual distance conveyed or transported within the county, the same to be in full payment for transporting and dieting such persons during such transportation.

Same for persons transported under Court order.

Not applicable to prisoners to State Prison or insane to State Asylum.

Provided further, that this Act shall not apply to the delivery of prisoners at the State Prison or at the Reform School, or insane persons to the State Insane Asylum, for which he shall receive the actual expense incurred as provided by Section 4885 of the Revised Codes of 1921. Nor shall this Act apply to trips made for the return of fugitives apprehended and arrested outside the county for which the Sheriff shall receive the actual necessary expenses incurred in going for and returning with such fugitive. But no mileage must be allowed on an attachment, order of arrest, order for delivery of personal property, or any other order, notice or paper, when the same accompanies the summons, and the service thereof may be made at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. When two or more papers are served on the same person at the same time, but one mileage must be allowed or charged. In the service of subpoenas, but one mileage must be charged when the persons named therein live in the same place or in the same direction, but mileage may be charged for the longest distance actually traveled. Any writ, order or other paper for service, must be received at any place in the county where a Sheriff or a Deputy is found, and mileage must be computed from such place, but if papers are delivered for service away from the county seat, all necessary copies thereof must be furnished for service. When two or more officers travel in the same automobile in the discharge of any duty but one mileage shall be allowed."

Nor to fugitives out of county.

Where two or more papers served same person.

Subpoenas to persons living in same place or direction.

Where paper for service must be received.

Where two or more officers travel together.

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Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 122

An Act to Amend Section 2247 of the Revised Codes of Montana of 1921, Relating to the Rate of Taxation on Personal Property Unsecured by a Lien on Real Estate and Repealing Sections 2248 and 2249 of the Revised Codes of Montana, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2247 of the Revised Codes of Montana, 1921 be, and the same is hereby amended to read as follows:

"Section 2247. **Rate of Taxation Where Property is Taxable.** All rates of tax levy set by the Board of County Commissioners on the second Monday in August of each year, shall apply permanently to this class of personal property during the ensuing year, and the Treasurer shall, upon collection of any such taxes, immediately distribute the money so collected to the various and proper funds in his charge. Personal property which was in the state and subject to taxation on the first Monday in March of any year shall be taxable wherever and whenever found in any county in the state, whether the same be owned, claimed, or possessed by the person owning, claiming or possessing it on the first Monday of March or not; provided, that in case the same property is assessed in more than one county, the county first making the assessment shall be entitled to collect the taxes; provided further, that if the rate of taxation fixed for the year in which the collection is made is an increase over the preceding year's levy, then the said Board of County Commissioners may direct the County Treasurer to collect the amount of such increased levy, but shall not be obliged to do so in cases where, in the opinion

Rate of tax.

Where and when taxed.

First county to assess preferred.

Where rate is increased.

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of the Board, the cost of collection would exceed the amount of such increase, and provided further that if the rate fixed for the year in which the collection is made shall be less than the levy for the preceding year, then the person from whom such excess tax was collected may file with the Board of County Commissioners a duly verified claim for a refund of such excess tax, at any time before the first day of November of the year in which such an excess was collected, and such claim shall be allowed and ordered paid by the Board of County Commissioners to the amount of such excess."

Proviso.

Where rate is less.

Repealing clause.

Section 2. Sections 2248 and 2249 and all other Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 123

An Act to Amend Section 3697 of the Revised Codes of Montana, 1921, as Amended by Chapter 192 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, Chapter 59 of the Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, and Again Amended by Chapter 152 of the Laws of the Twenty-second Legislative Assembly of the State of Montana, 1931, Relating to Open Season for Deer, and Providing Penalties for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3697 of the Revised Codes of Montana, 1921, as amended by Chapter 192 of the Laws of the Nineteenth Legislative Assembly of the State of Montana, 1925, Chapter 59 of the Laws of the Twentieth Legislative Assembly of the State of Montana, 1927, and Chapter 152 of the Laws of the Twenty-second Legislative Assembly of the State of Montana, 1931 be, and the same is hereby amended to read as follows:

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Section 3697. **Open Season for Deer.** That open season for deer shall begin October fifteenth and shall end November fifteenth, both dates inclusive, of each year. The closed season for deer shall begin November sixteenth of each year and end October fourteenth of the following year, both dates inclusive; provided, however, that in all of that portion of Ravalli county drained by the west fork of the Bitter Root River, and in all of that portion of Ravalli county lying west of the Bitter Root River and north of the confluence of the east and west forks of said Bitter Root River, the open season for deer shall begin with the twentieth day of September and end with the twentieth day of October, both dates inclusive, of each year; and provided, further, however, that it shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to shoot, hunt, kill, take or capture, or cause to be shot, killed, taken or captured, any deer, at any time within the Counties of Yellowstone, Daniels, Sheridan, Rosebud, Musselshell, Powder River, Carter, McCone, Carbon, Phillips, Garfield, Petroleum, Treasure, Liberty, Toole, Blaine, Teton, Valley, and also all of Glacier and Pondera counties lying within the Lewis and Clark National Forest; and also all of that portion of Gallatin county lying and being north of the south line of Township Four (4), North, M. P. M., and that part of Big Horn county lying east of 107th Meridian.

Deer season.

Ravalli County.

Closed counties and sections.

During the closed season for deer it shall be unlawful for any person to take, hunt, shoot, kill or capture, or cause to be taken, hunted, shot, killed or captured, any deer; during the open season for deer it shall be unlawful for any person to shoot or kill, or cause to be shot or killed, any deer other than one (1) male deer, with horns not less than four (4) inches in length above the top of the skull. Provided, however, that it shall not be unlawful to take one deer of either sex in Mineral, Glacier, Lake, Sanders, Missoula, Granite and Ravalli counties. It shall be lawful to hunt, shoot, or kill one (1) buck deer each year between the dates of November 1 and 3, both dates inclusive, in the following counties: Roosevelt, Richland, Dawson, Prairie, Wibaux, Fallon, Custer and Carter. It shall also be unlawful and a misdemeanor for any person responsible for the death of any deer, to wilfully waste any portion or portions of said deer suitable for food.

Restrictions on closed season.

Sex of deer in open season.

Places where either sex may be taken.

Short season counties.

Wilful waste unlawful.

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Unlawful in towns or cities.

Section 2. It shall be unlawful to shoot, kill, take, or cause to be shot, killed, taken or captured, or to attempt to shoot, kill, take or capture, any deer within the boundaries of any incorporated or unincorporated city or town of this state.

Penalty for violation.

Any person violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25) nor more than Five Hundred Dollars ($500), or by imprisonment in the county jail for a period of not less than ten (10) days nor more than one hundred and eighty (180) days, or by both such fine and imprisonment, and in addition thereto shall forfeit his Fish and Game License for a period of one (1) year.

Elk in Park County.

Section 2-A. The open season for hunting and killing elk in Park county, is hereby extended from December twentieth to January tenth, both dates inclusive, of each year.

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 124

An Act to Amend Section 8366 of the Revised Codes of Montana 1921, as Amended by Chapter 112, Laws of 1931, Relating to Liens of Threshermen and Owners of Combine Harvesters and Threshers Upon Grains or Crops.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8366 of the Revised Codes of Montana 1921, as amended by Chapter 112, Laws of 1931, be, and the same is hereby amended to read as follows:

"Section 8366. **Liens of Threshermen and Owners of Combine Harvester and Thresher Upon Grain or Crops.** All threshermen owning or operating thresher machines,

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and all owners of combine harvesters and threshers, shall have a lien upon the grain and other crops threshed by said threshing machine or cut and threshed by said combine harvester and thresher, for and on account of the services rendered and the labor performed by them on said grain and crops, and which lien may be claimed by the owner of said grain for the reasonable value of such services, if same are performed by him, provided, however, that any such lien shall not exceed Seven Cents (7c) per bushel of grain threshed or when harvested and threshed by combine harvester and thresher it shall not exceed One Dollar and Fifty Cents ($1.50) per acre, except flax, clover seed, alfalfa seed, or other grass seeds, which shall be charged for the prevailing price for that particular locality in which such grain or seed is threshed or combined; and, provided, notices are given and lien is filed within the time provided by this Act."

Lien allowed.

Limitations.

Section 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 125

An Act to Amend Section 2201 of the Revised Codes of Montana of 1921 Relating to the Time of Redemption from Tax Sales.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2201 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 2201. A redemption of the property sold may be made by the owner, or any party having any interest in or lien upon such property, within thirty-six (36) months from the date of purchase, or at any time prior to the giving of the notice and the application for a deed as provided in this Act, providing, however, that in all cases where not more than four (4) years taxes shall

Time for redemption.

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be delinquent, no tax deed shall be issued in less than five (5) years from the date of purchase and provided anyone entitled by law to redeem, may at any time prior to the giving of the notice and the application for a deed, pay to the County Treasurer, the amount of the current taxes or delinquent taxes, for the second and/or any subsequent year, together with interest and penalty, and in the event of such payment by a redemptioner, the length of time within which a tax deed may be applied for by the purchaser shall be increased by the number of years for which the redemptioner elects to pay such taxes, interest and penalty; in no case shall this extension of time to redeem be in excess of five (5) years from the date of tax certificate. This Act shall not apply to cases where certificates of sale are held by parties other than counties at the time of the passage and approval of this Act."

How to increase time of redemption.

Limitation.

Proviso.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Saving clause.

Section 3. If any section, provision or clause of this Act should be declared invalid, such invalidity shall not be construed to effect the portions of the Act not so held invalid.

Section 4. This Act shall be in full force and effect from and after November 1, 1933.

Approved March 14, 1933.

CHAPTER 126

An Act Amending Chapter 121 of the Session Laws of the Twenty-first Legislative Assembly, Entitled: "An Act Providing for the Registration and Licensing of Motor Vehicles of Non-resident Owners and Providing for Registration Cards and Identification Thereof."

Be it enacted by the Legislative Assembly of the State of Montana:

That Chapter 121 of the Session Laws of the Twenty-first Legislative Assembly be, and the same is hereby amended to read as follows:

License for non-resident owner of vehicles.

"Section 1. Every motor or other vehicle of the types required to be licensed, under the laws of this state,

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which shall enter this state with proof of evidence that it has paid a license fee for the ensuing year, under the laws of some other state or foreign government, shall immediately after entering the State of Montana, obtain a license at the first county seat, for operation in this state, in accordance with the provisions of this Act.

Where to apply for license.

Section 2. The owner of such registered foreign motor vehicle shall, upon a form to be prepared and furnished by the Registrar of Motor Vehicles, apply to the Registrar of Motor Vehicles in this state, the Sheriff at the first county seat entered, who shall be a Deputy Registrar of Motor Vehicles, or such other agency or agencies as may have been designated by the Registrar of Motor Vehicles for registration of such vehicle. Such form or application shall state, in addition to other matters that may be required, the following: The name and permanent business and residence address of the owner, number and description of the license already issued to the car.

What application to contain.

When certificate is furnished.

Section 3. Upon receipt of the application duly signed, the Registrar of Motor Vehicles, or his agency, if satisfied as to the truthfulness of the facts therein stated, shall, without charge, furnish to the applicant a registration certificate or device, or an identification form, indicating that the holder thereof has complied with the requirements of this Act, and containing such other matters as may be deemed or considered necessary by it, the Registrar of Motor Vehicles. Such certificate or device, so issued, shall be valid and authorize the operation of vehicles so registered within this state, without any charge or license fee, for a period of thirty (30) days from the date of issuance, but not beyond the current calendar year.

Period in which license is valid.

Extended time for recreational travel.

If the owner of the motor vehicle shall furnish satisfactory proof that he is not engaged in gainful occupation or business enterprise, but is in the State of Montana for recreational travel only, his foreign registration certificate may be extended an additional thirty (30) days without charge.

Where certificate is to be displayed.

Section 4. The vehicle so registered under this Act shall carry the certificate, or device, or identification, in

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plain sight in or upon said vehicle at all times when said vehicle is being operated or driven upon the public highways of this state.

Duty to keep a file of non-resident certificates.

Section 5. The Registrar of Motor Vehicles shall file said application for registration by non-resident owners in his office and suitably index the same and keep and maintain filings and indices with reference thereto, which shall be open to inspection by the public during reasonable business hours.

Public inspection permitted.

Duty of Registrar to provide for carrying out this Act.

Section 6. The Registrar of Motor Vehicles is hereby authorized and empowered to designate and shall appoint and maintain convenient agencies for the purpose of carrying into effect the provisions of this Act, and for such purpose may designate county, city or town officers, or public societies, or clubs, or other civic activities, banks, or other business institutions as agencies therefor, and may establish and promulgate rules and regulations to carry out the purpose and intent of this Act.

Duty of foreign licensed motors here on business or for a gainful occupation.

Section 7. Before any foreign licensed motor vehicle shall be operated on the highways of this state for compensation or profit, or the owner thereof is using the vehicle while engaged in gainful occupation or business enterprise, in the State of Montana, including highway work, the same shall be registered and licensed in this state in the same manner as is required in the case of domestic owned vehicles of similar character not heretofore registered or licensed, and if the Registrar of Motor Vehicles is satisfied as to the facts stated in the application, he shall register and license such vehicle and assign thereto an appropriate certificate, emblem or device, which shall at all times be displayed upon such vehicle, when operated or driven upon roads and highways of this state, during the period of the life of such license.

Foreign licenses must also be displayed.

Section 8. All foreign registered and licensed motor vehicles shall also carry in plain sight thereon the license plates or device from such other state or foreign country.

Purpose and intent.

Section 9. This Act shall be solely for the purpose of registration and identification of vehicles operated in this state that have paid a license in another state or foreign country, and otherwise than as herein specifi-

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cally set forth shall not be construed as a repeal of any Acts or parts of Acts having to do with the registration or licensing of automobiles within the State of Montana.

Penalty for violation.

Section 10. Any person operating a vehicle in violation of the intent and purpose of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Ten Dollars ($10), or more than Fifty Dollars ($50), or confined in the county jail for not more than thirty (30) days, or both such fine and imprisonment."

Repealing clause.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 127

An Act to Amend Section 5127 of the Revised Codes of Montana, of 1921, as Amended by Section 9 of Chapter 58 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, Relating to State Auditor to Pay Cities and Towns Seventy-five Per Centum (75%) of Licenses Collected for the Maintaining Disability and Pension Fund of the Fire Department Relief Association of a City or Town.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5127 of the Revised Codes of Montana, 1921, as amended by Section 9 of Chapter 58 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Auditor to pro rate 75% of licenses collected.

"Section 5127. **State Auditor to Pro Rate Among and Issue His Warrant for Payment to Cities and Towns Seventy-five Per Centum (75%) of Licenses Collected.** At the end of the fiscal year the State Auditor shall issue and deliver to the Treasurer of every city, his warrant for an amount to be computed as follows:

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Proportion as to 50%.

1. Fifty per centum (50%) of the licenses collected by the State Auditor under Section 6112 of these Codes, in proportion to the premiums so paid and collected by the said Fire Insurance Commissioner in such cities and towns to the total premium paid and collected by fire insurance companies in the entire state, shall be paid to each city and town qualified under the provisions of these Codes.

Proportion as to remaining 25%.

2. Out of the remaining twenty-five per centum (25%) of the licenses collected there shall be paid to those cities and towns, which under the provisions of Sub-division 1 of this section, do not receive One Hundred Dollars ($100.00) per annum, an amount sufficient to increase the amount paid to said cities and towns to One Hundred Dollars ($100.00) per annum.

Disposition of remaining 25%.

3. After the deductions as provided for in Subdivision 2 of this Act have been made, the remaining portion of the twenty-five per centum (25%) of all licenses collected shall be pro rated among and paid to the Treasurer of the cities and towns in proportion to the premiums so paid and collected by the said fire insurance companies in such cities and towns to the total premiums paid and collected by fire insurance companies in the entire state.

Creation of Disability and Pension Fund.

4. The State Auditor shall pay an amount equal to the face value of the warrants so issued to the credit of a special fund into the state treasury, which fund shall be known as the 'Disability and Pension Fund' of the Fire Department Relief Association, and for that purpose, there is hereby created a fund to be known as the 'Disability and Pension Fund' of the Fire Department Relief Association, and the State Treasurer is hereby directed and authorized to keep such an amount of said fund.''

Repealing clause.

Section 2. That all Acts and parts of Acts in conflict herewith shall be repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

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CHAPTER 128

An Act to Authorize a Trapper's License Restricted to Lands Owned or Occupied by Applicant.

Be it enacted by the Legislative Assembly of the State of Montana:

Trapper's license for owner's land.

Section 1. A license to trap may be procured by the owner or tenant, or members of the immediate family thereof, of real estate for the purpose of trapping on his own land or land leased by him, upon a payment of a license fee of One Dollar ($1.00) and on making an application such as required for other trapping licenses by the laws of this state. No other license shall be required of such applicant. Such license shall authorize the holder thereof to trap any fur bearing animals except beaver on lands owned or leased by him at such times and in such manner as may be lawful so to do under the laws of this state and the regulations of the Fish and Game Commission and at such places as may be designated in said license.

Privileges permitted.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 129

An Act to Amend Section 3142 and 3149 of the Revised Codes of Montana of 1921, Relating to the Qualifications of Persons Practicing Chiropractic, the Collection of Renewal License Fees and the Regulation of the Practice of Chiropractic.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3142 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Application to practice.

"Section 3142. **Applications to Practice—Fees for License.** Any person wishing to practice chiropractic in

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this state after March 15, 1919, shall make application to said Board of Chiropractic Examiners through the Secretary-Treasurer thereof, upon such form and in such manner as may be prescribed and directed by the Board, at least fifteen days prior to any meeting of said Board.

Educational requirements.

Each applicant shall be a graduate of a chartered school of chiropractic, in which he actually attended a course of study of at least four school years of eight months each, preceded by a four years' high school course. Application shall be in writing and shall be sworn to by some officer authorized to administer oaths, and shall recite the history of applicant's educational qualifications, how long he has studied chiropractic, of what school or college he is a graduate, the length of time he has been engaged in practice, accompanying the same with proofs thereof, in the shape of diplomas, certificates, etc., and shall accompany said application with satisfactory evidence of good character and reputation.

Other requirements.

Application and license fees.

There shall be paid to the Secretary-Treasurer of the State Board of Chiropractic Examiners by each applicant for a license, a fee of Twenty-five Dollars ($25.00), Ten Dollars ($10.00), of which shall accompany application and the remainder, Fifteen Dollars ($15.00) shall be paid upon the issuance of license. Like fees shall be paid for any subsequent examination and application."

Section 2. That Section 3149 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

Renewals.

"Section 3149. **Renewal.** One of the purposes of this Act is to require each licensee to keep abreast of and informed about the developments and advances in the science of chiropractic, and, therefore, each license shall expire on the first day of September in each year, and shall be renewed then or thereafter, by the Board, upon the payment of a renewal fee of Five Dollars ($5.00), and the presentation of evidence satisfactory to said Board that the said licensee, in the year preceding the application for renewal, attended at least one of the two-day educational programs as conducted by the Montana Chiropractic Association; provided, that the Board may grant renewals, but not consecutive renewals, upon a showing satisfactory to said Board that attendance upon said educational programs was unavoidably prevented,

Fee.

Requirements for renewal.

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provided that new licensees during the six months preceding said September first, by examination, shall be granted renewal licenses without attending said educational programs, provided, that a failure to renew a license shall not prevent a licensee from subsequently applying for and receiving a license, as if there were no lapse of time between the expiration of the old license, and the granting of a renewal license; provided, that nothing herein shall prevent a renewal of said license if in said preceding year for any reason, at least one of the said educational programs is not conducted in the State of Montana."

Exception.

Lapsed period.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 130

An Act to Amend Section 443 of the Revised Codes of Montana, 1921, as Amended by Chapter 86 of the Laws of the Twenty-second Legislative Assembly of the State of Montana, 1931, Relating to the Limitation of Traveling or Other Expenses of Public Officers or Employees Attending Conventions or Meetings and the Payment of Membership Fees and Dues.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 443 of the Revised Codes of Montana, 1921, as amended by Chapter 86 of the Laws of the Twenty-second Legislative Assembly of the State of Montana be, and the same is hereby amended so as to read as follows:

"Section 443. Hereafter no state, county, city or school district officer or employee of the state, or of any county or city, or of any school district, shall receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance upon any convention, meeting, or other gathering of public officers, save and except for attendance upon such

Limitation on traveling expenses allowed.

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convention, meeting or other gatherings as said officer may by virtue of his office be required by law to attend, provided, that nothing herein shall prohibit the State Board of Examiners from authorizing the payment of the necessary traveling expense of any state officer or employee, whenever in the judgment of the Board an emergency exists, and the public interest demands, which reasons are to be spread on the minutes of the Board of Examiners, and provided further that the Board of Trustees of any county or district high school or of any school district may by resolution adopted by a majority of entire Board make their district a member of any State Association of School Districts or School District Trustees, or any other strictly educational association and authorize the payment of dues to such association, and the necessary traveling expenses of an employee, or one (1) member of said Board, to attend meetings of such association, or other meetings called for the express purposes of considering educational matters. Provided, further, one (1) member of Board of County Commissioners may be allowed actual transportation expenses and per diem for attendance upon any general meeting of County Commissioners or Assessors held within the state not oftener than once a year and the proportionate expenses and charges against each county as a member of such association shall also be paid. Provided, further, that nothing herein shall be construed to prevent any City or Town Council, Commission or other governing body from paying membership fees and dues in any organization of city and town officials whose purpose is improvement of laws relating to city and town government and their better and more economical administration, and the necessary expense of any regular officer or employee of such city or town in attending any convention or meeting of such organization upon the direction of such Council, Commission, or other governing body by order entered upon its minutes stating that the public interest requires such attendance; such payment of membership fees, dues and/or expense to be made from such fund of the city or town as the Council, Commission or other governing body shall direct by such order, upon claim presented, audited and allowed as are other claims against such city or town."

Board may allow when.

Power of County Board.

County Commissioners' or Assessors' meetings.

City or town allowances.

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Saving clause.

Section 2. If any section, provision, clause, or phrase of this Act be adjudged unconstitutional or invalid by any Court of competent jurisdiction for any reason, such adjudication shall not affect the validity of this Act as a whole, or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 131

An Act Permitting Mrs. Mary Chisholm of Lewis and Clark County, Montana, to File a Claim for Compensation for Alleged Industrial Accident After Expiration of Six Months from the Date of Happening of Alleged Accident.

Be it enacted by the Legislative Assembly of the State of Montana:

Mary Chisholm industrial accident claim allowed.

Section 1. The Industrial Accident Board is hereby authorized and empowered to allow the filing of a claim against the industrial accident fund by Mrs. Mary Chisholm, by reason of an alleged industrial accident suffered in the course of her employment by Vocational School for Girls, Lewis and Clark County, Montana. The Board shall investigate and determine the validity of said claim and shall consider it to have the same status and effect as if it had been presented within six months from the date of the happening of the alleged accident.

Section 2. This is hereby deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

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CHAPTER 132

An Act to Amend Section 1872 of Chapter 148 of the Revised Codes of Montana of 1921, and to Provide for a Revision of Stumpage Prices and the Regulations Governing the Cutting of Timber on the State's Forests.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1872 of Chapter 148 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Authorizing Board to sell timber.

"Section 1872. **Sale of Timber.** The State Board of Land Commissioners shall have the power to sell timber on state lands, at such price per thousand feet as in its judgment shall be for the best interest of the state, but not otherwise; but no such sale of live timber shall be

Minimum prices.

made at a less price than Three Dollars ($3.00) per thousand feet for white pine, yellow pine and spruce and at a less price than One Dollar and a Half ($1.50) per

Regulations and rules.

thousand feet for all other timber species. All timber sold or cut from state lands shall be cut and removed under such rules and regulations for the preservation of standing timber and the prevention of fires as the State Board of Land Commissioners shall prescribe; in all

Dispose of brush.

cases the Board must require the person cutting the timber to pile and burn or otherwise dispose of the brush and slashings in such manner as may be required.

Appraisal.

Before any sale shall be granted, the timber shall be estimated and appraised under the direction of the State Forester, upon the request and subject to the approval of the State Board of Land Commissioners, which estimates and appraisals shall show as nearly as may be the amount and values per thousand feet of all merchantable timber, together with a statement of the situation of the timber relative to risk from fires or damage of any kind, its distance from the nearest lake, stream or railroad, and its value and position as a protection to a watershed."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 14, 1933.

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CHAPTER 133

An Act to Amend Section 10482 Revised Codes of Montana, 1921, as Amended by Chapter 12 of the Session Laws of 1927, and Section 10483 Revised Codes of Montana, 1921, and Relating to a Mother's Pension and Prescribing the Conditions to Which the Allowance to the Mother for the Support of Her Dependent Child or Children is Subject:

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10482 of the Revised Codes of Montana of 1921 as amended by Chapter 12 of the Session Laws of 1927, be, and the same is hereby amended to read as follows:

"Section 10482. The allowance herein referred to shall be made subject to the following conditions: (1) The child or children for whose benefit allowance is made must be living with the mother of such child or children; (2) The allowance shall be made only when in the absence of such allowance, the mother is unable to properly provide and care for said child or children without being required to work regularly away from her own home and children, provided that the mother may be at times absent for work with the approval of the Board of County Commissioners of the county, if they should deem it for the best interests of said child or children; (3) The mother must, in the judgment of the Board of County Commissioners, be a proper person physically, mentally, and morally for the bringing up of her children; (4) Such allowance shall in the judgment of the Board of County Commissioners be actually necessary for the support and maintenance of the child or children in the home; (5) No person shall receive the benefit of this Act who is not a citizen of the United States, or who has not declared her intention to become such citizen, and who shall not have been a resident of the county in which said application is made for at least one year prior to the making of such application for such allowance; (6) The provisions of this Act shall not apply in the case of any child who has property of its own sufficient for its support; (7) Application shall be made by the mother to the Board of County Commis-

Conditions of allowance of pension.

Mother unable to support and care for children.

Fitness of mother.

Actually necessary.

Residence requirement.

Where children have property sufficient.

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Application and contents.

Duty of Board to investigate.

Hearing.

Monthly report of family.

sioners by a petition setting forth the facts above required, and in addition thereto, the age and the residence of such child or children, the residence of the mother, and the financial conditions of such mother and child or children, which petition shall bear the signatures of at least ten (10) taxpayers, residents in the community where applicant has last made her home; that upon the filing of such petition, the Board of County Commissioners shall make personal investigation, or may designate the Bureau of Child and Animal Protection of the State of Montana, the County Probation Officers, or some other responsible resident of the county wherein the mother resides, to make a thorough investigation of all the facts of the case, and the Board of County Commissioners must make an order setting said petition for hearing at the next regular meeting of said Board. At least five (5) days before the time set for the hearing, any person designated to make the investigation must file with the Board of County Commissioners his report under oath, and must appear at the hearing of said petition and testify in support of his findings and report, if required. Any person having any knowledge of the facts may appear at said hearing and be examined under oath as to such facts, and any taxpayer may appear at said hearing and file objection to the allowance of the application, and may be heard upon such objection at said hearing at the time fixed therefor in said notice or at any time to which said hearing may be continued; (8) Every person receiving an allowance under this Act shall every month file with the County Clerk and Recorder a report in writing upon blanks to be supplied by the county, verified under oath, showing a detailed statement of all income of the family from whatever source for the preceding month, whether or not she has remarried, whether any of the children for whom she is receiving an allowance for support have died, or are not living with her, or are not being supported by her, her present place of residence, and the present place of residence of the children for whom she is receiving an allowance, whether any of such children have attained the age of sixteen (16) years or have acquired property sufficient for their support; Provided, however, that if such person receiving allowance under this Act lives more than five (5) miles from the county seat, then said report need not be

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verified, but shall be sufficient if signed by the person receiving the allowance and two (2) witnesses; (9) It shall be the duty of the Board of County Commissioners to inspect the monthly report required by this Act, and when it shall appear from such report that the beneficiary is no longer entitled to the allowance, said order of allowance shall be revoked and set aside."

Duty of Board to inspect report.

Section 2. That Section 10483 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 10483. Whenever the Board of County Commissioners shall determine that the allowance under this Act shall be made, they shall make an order in writing which order among other things shall set out the full name of the mother, her place of residence by street and number where possible, the names and ages of the children, and the amount allowed to each child, and monthly warrants shall be drawn therefor subject to the other provisions of this Act. All warrants shall be drawn upon the poor fund of the county provided that the aggregate amount of such warrants shall not exceed fifty per cent (50%) of such fund."

How allowance is to be made by Board.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 134

An Act to Amend Section 2110, Montana Revised Codes, 1921, Providing for Disposition of Proceeds of Taxes Collected Under the Provisions of Chapter 165, Montana Revised Codes, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 2110, Montana Revised Codes, 1921, be, and the same is hereby amended to read as follows:

"Section 2110. All taxes collected under the provisions of this Act shall be credited to the common school income and interest fund."

Disposition of taxes.

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What taxes contemplated.

Section 2. That all taxes heretofore paid into the state treasury under the provisions of Chapter 165, Montana Revised Codes of 1921, and now credited to the protested license tax fund of the state, and all taxes assessed for the years 1931 and 1932 and unpaid, shall, upon collection thereof, be transferred to and credited to the common school income and interest fund.

Saving clause.

Section 3. If any part or parts of this Act be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, and the Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act is deemed and declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 135

An Act to Amend Sections 6376, 6381 and 6387 of the Revised Codes of Montana of 1921, Relating to Co-operative Associations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6376 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Only one share of common stock allowed.

"Section 6376. No person shall be permitted to subscribe for or control or own more or less than one share of the common stock of such association."

Section 2. That Section 6381 of the Revised Codes of Montana of 1921, be and the same is hereby amended to read as follows:

Value of shares.

"Section 6381. The shares of stock shall not be less than Ten Dollars ($10.00) nor more than Five Thousand

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Dollars ($5,000.00) per share, and may be made payable in installments. Every co-operative association may divide its shares of stock into preferred and common stock. The holders of preferred stock shall have no voting power and shall not participate in the management and affairs of the association, and the owners thereof shall share in the profits of the association to the extent of not exceeding six percent (6%) per annum on the par value thereof. The common stock may be divided into classes of different values, and the owners thereof shall share in the profits of the association in proportion to the par value of their shares; provided, however, that the owners of said common stock in the different classes shall have the same power and vote in the association. Forfeiture of the stock for non-payment of installments may be provided for in the by-laws and whenever a share of stock is forfeited, such share shall become the property of the association, and may be re-issued to any person already a holder of common stock; but any proceeds received from such re-issue, over and above the amount due on said share, by the association, shall be paid to the delinquent shareholder. The stock heretofore issued in classes of different par values by any co-operative association is hereby legalized and made valid."

Kind of stock.

Profits of preferred stock.

Profit on common stock.

Forfeiture of stock for non-payment.

Validating classes heretofore issued.

Section 3. That Section 6387, Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 6387. The directors of a co-operative association, subject to revision by the stockholders at a general or special meeting may apportion the earnings of the association by first paying dividends on the paid up capital stock, not exceeding six percent (6%) per annum on the par value thereof, from the remaining funds, if any, accessible for dividend purposes, not less than five percent (5%) of the net profits for a reserve fund until an amount has accumulated in said reserve fund amounting to thirty percent (30%) of the paid up capital stock, and from the balance, if any, five percent (5%) for educational fund to be used for teaching co-operation, and the remaining of said profits, if any, by uniform dividends upon the amount of purchases of patrons and upon the wages and for salaries of employees, the amount of such uniform dividends on the

Disposition of earnings.

Reserve allowed.

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amount of their purchases, which may be credited to the account of such patrons on account of capital stock of the association; but in production association such as creameries, canneries, elevators, factories, and the like, dividends shall be on raw material delivered instead of on goods purchased. In case the association is both a selling and a productive concern, the dividends may be on both raw material delivered and on goods purchased by patrons."

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 136

An Act to Permit Building and Loan Associations to Issue Permanent Stock, or Stock in Series, Defining Rights and Liabilities of Permanent Stock with Respect to Other Classes of Stock, Stipulating Under What Terms and Conditions Existing Corporations May Issue Permanent Stock, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Power to issue permanent stock.

Section 1. Any building and loan association now organized, or hereafter organized, shall have the power to issue permanent stock, said stock to be fully paid for at time of issuance, or to be paid for in monthly installments as provided by the by-laws of such association; providing, however, that the amount of said permanent stock paid up in cash shall not be less than five per cent (5%) of the aggregate amount paid up in all other classes of stock; which amount shall at all times be fully maintained. Such stock shall carry such rights as may be provided for in the by-laws of such association, except as herein provided except that no loan can be made thereon by the association. The by-laws may provide that a majority of the directors of such association shall

Proviso.

Rights of stock.

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be elected from the holders of permanent stock. Stocks of all or any classes may likewise be issued in series, in the discretion of the Board of Directors, and as provided in the by-laws of such association.

Dividends.

Section 2. Permanent stock shall be entitled to dividends on the same basis as other classes of stock. Such dividends, or any other distribution to permanent stock as herein provided for, may be retained in a special fund to be known as permanent stock surplus fund, the amount in said fund being entitled to dividend credits to the same extent as if an individual stock credit to a member; provided, however, that as to said fund the Directors may, in their discretion, at any time distribute any part of said fund to the holders of permanent stock; provided, however, that the principal paid on permanent stock shall not be paid to the holders of the same until all lawful claims of every other class of stock, in its series, as expressed in the certificate of such other classes of stock, and all other liabilities of such association, shall have been fully liquidated and paid; provided, however, that any such association, whether serial or not, may provide in its by-laws for a periodical distribution to the holders of permanent stock, of all net earnings remaining after payment of all liabilities, the amount required by law for certain funds, and dividends on all other classes of stock; provided, however, that the amount of such distribution shall not exceed two per cent (2%) per annum on the total amount of loans outstanding up to Five Hundred Thousand Dollars ($500,000.00) and thereafter the amount of such distribution shall not exceed one per cent (1%) of the total amount of loans outstanding.

Permanent stock surplus fund.

All claims preferred to permanent stock.

Limitation of distribution.

Permanent stock assessed first.

Section 3. In any association issuing permanent stock no assessment for losses shall be imposed upon any other class of stock until the permanent stock shall have first been exhausted for that purpose.

How to proceed under this Act.

Section 4. Any existing building and loan association shall with the approval and consent of the Superintendent of Banks, have the right to proceed under this Act in the following manner: A meeting of the stockholders of said association shall be had and each member notified in writing as provided by the by-laws of such association thirty (30) days prior to the said meeting, the

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notices to specify distinctly the purpose of the meeting. If, at said meeting, the majority of the stockholders of such association, in the manner provided by the by-laws, shall signify their approval in that respect, the Board of Directors of such association shall be authorized to take such steps as may be necessary to procure for said association the benefits of this Act.

Preparation to accept Act.

Section 5. Any association desiring to accept the benefits of this Act shall make suitable provision to the end that each stockholder be given a reasonable time to exchange any stock held by him and not pledged to the association as security for a loan for a like amount of permanent stock, and to provide for distribution to all stockholders, at the time the benefits of this Act are accepted by said association, by special dividend, or otherwise, of all surplus earnings not required by law to be retained in the contingent or reserve funds of such association.

Proviso.

Section 6. Nothing herein contained shall be construed so as to limit or enlarge the powers now possessed by any building and loan association, or to relieve any such association from any of the duties imposed upon it by law.

Duty to keep up to minimum.

Section 7. In case the permanent stock fully paid up shall at any time be less than the minimum amount hereinbefore specified, the Superintendent of Banks shall be authorized to require the same to be replenished upon thirty (30) days notice to the Board of Directors of such association, and upon failure of such association within said time to replenish said permanent stock, all of the rights and privileges given to the holders of permanent stock therein shall, as far as such association is concerned, cease and the amount of said permanent stock, after all charge offs, standing to the credit of the members of said association shall forthwith be and become ordinary paid up stock in such association and entitled only to the rights afforded thereby under the by-laws of such association.

Effect of failure.

Repealing clause.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 14, 1933.

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CHAPTER 137

An Act Providing for the Payment of Filing Fees by Candidates for Mayor and Councilmen in Cities Operating Under the Commission Form of Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Filing fees.

Section 1. Every candidate for Mayor and every candidate for Councilman in cities operating under the Commission Form of Government shall, at the time of filing his nominating petition pay the following fees to the City Clerk as filing fee: A candidate for Mayor shall pay Twenty Dollars ($20.00), and a candidate for Councilman shall pay Fifteen Dollars ($15.00).

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 138

An Act to Amend Section 2839 of the Revised Codes of Montana of 1921, Authorizing Injured Workman, Who Has Elected to Come Under the Terms of the Workmen's Compensation Act, to Bring Action Against Persons or Corporations Other Than His Employer for Any Damages Sustained by Such Employee Where His Injuries Are Caused by the Act or Omission of Such Persons or Corporations, Where the Cause of Such Injury is Not Directly Connected with His Employment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2839 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Effect of election to come under this Act by both employer and employee.

"Section 2839. Where both the employer and employee have elected to come under this Act, the provisions of this Act shall be exclusive, and such election shall be held to be a surrender by such employer and such employee, as between themselves, of their right to

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any other method, form or kind of compensation, or determination thereof, or to any other compensation, or kind of determination thereof, or cause of action, action at law, suit in equity, or statutory or common-law right or remedy, or proceeding whatever, for or on account of any personal injury to or death of such employee, except as such rights may be hereinafter specifically granted; and such election shall bind the employee himself, and in case of death shall bind his personal representative, and all persons having any right or claim to compensation for his injury or death, as well as the employer, and those conducting his business during liquidation, bankruptcy or insolvency. Provided, that whenever such employee shall receive an injury while performing the duties of his employment and such injury or injuries, so received by such employee, are caused by the act or omission of some persons or corporations other than his employer, and where the cause of such injury has no direct connection with his regular employment, and does not arise out of or necessarily follow as an incident thereof, then such employee, or in case of his death his heirs or personal representatives, shall, in addition to the right to receive compensation under the Workmen's Compensation Act, have a right to prosecute any cause of action he may have for damages against such persons or corporations, causing such injury. In the event said employee shall prosecute an action for damages for or on account of such injuries so received, he shall not be deprived of his right to receive compensation but such compensation shall be received by him in addition to and independent of his right to bring action for such damages, provided, that in the event said employee, or in case of his death, his personal representative, shall bring such action, then the employer or insurance carrier paying such compensation shall be subrogated to the extent of one-half (½) of the gross amount received by such employee as compensation under the Workmen's Compensation Law. All expense of prosecuting such action shall be borne by the employee, or if the employee shall fail to bring such action or make settlement of his cause of action within six (6) months from the time such injury is received, the employer or insurance carrier who pays such compensation may thereafter bring such action and thus become en-

Where injury is caused by act or omission of one other than the employer.

Right which is given.

Also compensation.

Employer's right to subrogate.

Expense of prosecution.

When employer may bring action for employee.

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titled to all of the amount received from the prosecution of such action up to the amount paid the employee under the Workmen's Compensation Act, and all over that amount shall be paid to the employee. In the event that the amount of compensation payable under this Act shall not have been fully determined at the time such employee shall receive settlement of his action, prosecuted as aforesaid, then the Industrial Accident Board shall determine what proportion of such settlement the insurance carrier would be entitled to receive under its right of subrogation and such finding of the Board shall be conclusive. Such employer or insurance shall have a lien on such cause of action for one-half (½) of the amount paid to such employee as compensation under the Workmen's Compensation Act, which shall be a first lien thereon."

Effect.

Board to decide settlement.

Employer lien on cause of action.

Section 2. In any such action brought by an employee, all defenses that would be available to defendant but for the Workmen's Compensation Act shall be available as defenses in such action.

Defense.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. In order that this Act may correct an existing unjust condition, this Act is hereby deemed and declared an emergency Act which shall be in full force and effect immediately from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 139

An Act to Repeal Sections 1928, 1930 and 1932 of the Revised Codes of Montana of 1921 as Amended by Chapter 6 of the Laws of the State of Montana of 1923; and Sections 1929, 1931, 1933, 1934, 1935, 1936, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947 and 1948 of the Revised Codes of Montana of 1921, and Amend Section 98 of Chapter 60 of the Laws of the State of Montana of 1927; All of the Said Sections Relating to the Investment of the Common School Permanent

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Fund and Other Permanent Funds of the State of Montana, Including the Investment of Such Funds in Farm Mortgage Loans.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Sections 1928, 1930 and 1932, of the Revised Codes of Montana of 1921 as amended by Chapter 6 of the Laws of the State of Montana of 1923; and Sections 1929, 1931, 1933, 1934, 1935, 1936, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947 and 1948 of the Revised Codes of Montana of 1921, all of the said sections relating to the investment of the common school permanent fund and the other permanent state educational, charitable, and penal institution funds of the State of Montana, including the investment of such funds in farm mortgage loans in the State of Montana, are hereby repealed.

Repealing clause.

Section 2. That Section 98 of Chapter 60 of the Laws of the State of Montana of 1927 be, and the same is hereby amended to read as follows:

"Section 98. **Investment of Permanent Funds.** All moneys belonging to the public school permanent fund and to the other permanent funds of the educational, charitable and penal institutions of the state, and all permanent funds subject to the administration of the Board under Article XXI of the State Constitution shall be safely invested by the State Board of Land Commissioners in bonds of school districts within the State of Montana; in bonds of the several counties and cities of the State of Montana; in bonds of the State of Montana or of the United States; in capitol building bonds of the State of Montana, now issued or which may hereafter be issued; in bonds issued by the federal land banks, in interest-bearing warrants upon the general fund of the state and in interest-bearing warrants upon the general fund, the poor fund, the road fund, or upon the bridge fund of the several counties of the State of Montana; all of such investments to be subject to the regulations and limitations of this Act."

In what permanent funds may be invested.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

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CHAPTER 140

An Act Repealing Chapter 44 of the Session Laws of the State of Montana of 1929, Relating to the Acquisition by the United States of Lands and Waters Within the State of Montana for the Purpose of Creating, Developing and Maintaining Refuges for Migratory Wild Fowl.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 44 of the Session Laws of the State of Montana of 1929, relating to the acquisition by the United States of lands and waters within the State of Montana, for the purpose of creating, developing and maintaining refuges for migratory wild fowl, be, and the same is hereby repealed. Repealing clause.

Section 2. This Act shall be in full force and effect immediately from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 141

An Act to Amend Section 10307 of the Revised Codes of the State of Montana, 1921, Relating to the Order in Which Debts Are to be Paid Against Estates of Deceased Persons.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10307 of the Revised Codes of Montana, 1921, shall be, and the same is hereby amended to read as follows:

"Section 10307. The debts of the estate subject to the provisions of Section 8353, must be paid in the following order:

1. Funeral expenses not to exceed Two Hundred Dollars ($200.00); Preferred claims.

2. The expenses of the last sickness not to exceed Five Hundred Dollars ($500.00);

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3. Debts having preference by the laws of the United States or of the state;

4. Judgments rendered against the decedent in his life-time, constituting a lien on property of the estate, and mortgages in the order of their date, provided the amount of such preference shall not exceed the value of said property subject to such lien;

5. All other demands against the estate, including funeral expenses in excess of Two Hundred Dollars ($200.00) and expenses of the last sickness in excess of Five Hundred Dollars ($500.00).''

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 142

An Act Relating to the Regulation of Dogs; to Make it Unlawful to Knowingly Own, Harbor or Keep Any Unlicensed Dog or Any Dog Which Kills, Wounds or Injures Livestock; and to Provide a Penalty for Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Regulating action of dogs.

Section 1. Any dog, whether licensed or not, which, while off the premises owned or under control of its owner, shall kill, wound or injure any livestock not belonging to the master of such dog, shall be deemed to be a public nuisance and may be killed forthwith by any person, or the owner, when notified, shall kill such dog within twenty-four (24) hours and if he fails to do so an officer may be notified and shall kill or cause to be killed such dog; provided, that nothing contained herein shall apply to any dog acting under the direction of its master, or the agents or employees of such master.

Proviso.

Owner also liable to civil action.

Section 2. When it has been proven that a dog has killed, wounded, or injured any livestock, the owner of

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such dog shall be civilly libel to the owner of such livestock, in a civil suit for damages in a sum equal to the amount of the damages incurred.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 143

An Act to Amend Section 7729 of the Revised Codes of the State of Montana of 1921, Relating to the Rate of Interest on Judgments and Fixing the Same at Six Per Cent Instead of Eight Per Cent.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7729 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended so as to read as follows:

"Section 7729. **Interest—Judgment.** Interest is payable on judgments recovered in the Courts of this state at the rate of six per cent per annum, and no greater rate, but such interest must not be compounded in any manner or form."

Interest rate on judgment.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 144

An Act to Amend Section 7725 of the Revised Codes of the State of Montana of 1921, Relating to the Statutory Rate of Interest and Fixing the Same, When Not

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Otherwise Provided by Contract, at Six (6%) Per Cent Instead of Eight (8%) Per Cent.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7725 of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

Legal interest rate when not determined.

"Section 7725. **Legal Interest.** Unless there is an express contract in writing, fixing a different rate, interest is payable on all moneys at the rate of six (6%) per cent per annum after they become due on any instrument of writing, except a judgment, on an account stated, and on moneys lent or due on any settlement of accounts from the date on which the balance is ascertained, and on moneys received to the use of another and detained from him. In the computation of interest for a period of less than one (1) year, three hundred and sixty-five (365) days are deemed to constitute a year."

What constitutes a year.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved March 14, 1933.

CHAPTER 145

An Act Authorizing and Empowering Cities, Who by Ordinance Provide for the Collection of Taxes and Assessments, to Collect Delinquent City Taxes and Assessments and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorizing cities to collect delinquent taxes.

Section 1. All cities in the State of Montana, who by ordinance provide for the collection of city taxes and assessments, are hereby authorized and empowered to solicit payment, ask for, receive and receipt for delinquent taxes and assessments due any such city, and upon receipt of payment thereof by the City Treasurer of such

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city, it shall be the duty of such City Treasurer to immediately certify to the County Treasurer of the county in which such city is situated, the fact of such payment with the amount thereof, a description of the property charged with such delinquent taxes or assessments so paid and the name of the person to whom the same were assessed; provided, however, that nothing in this Act is intended to or shall prevent the County Treasurer of the county in which such city is situated to collect such delinquent taxes or assessments, but is intended as an aid to the collector of such delinquent taxes and assessments.

Intention of Act.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 146

An Act to Amend Section 520 of the Revised Codes of Montana, 1921, Relating to Publication of Reports of State Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 520 of the Revised Codes of Montana, 1921 be, and the same hereby is amended to read as follows:

"Section 520. **Publication Reports—State Officers.** No reports of state officers, boards, commissions or departments shall hereafter be printed or published until the same have been submitted to State Board of Examiners, who may authorize printing and publication thereof, either in separate volumes or published together in one volume, and the State Board of Examiners shall specify the number of volumes which shall be issued. Provided, however, that the State Board of Examiners shall not in any event authorize printing and publication of any biennial reports of the following named state departments, namely:

Reports to be printed must be authorized by Board of Examiners.

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What reports shall not be printed.

Department of Agriculture; State Auditor; Fire Marshal in State Auditor's Office; Bureau of Child Protection; State Examiner; State Superintendent of Banks; Historical Library; Board of Health; Industrial Accident Board; State Land Office; Livestock Sanitary Board; Department of Public Instruction; Purchasing Agent; Secretary of State; State Treasurer; State Forester; Montana State Prison; Montana State Hospital."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 147

An Act to Amend Sections 2 and 6, Chapter 171, Laws of the Twenty-second Legislative Assembly of the State of Montana of 1931, Relating to the Size of Vehicles and Loads That May be Driven and Moved on the Public Highways; and to Permits to Operate or Move Vehicles on the Public Highways of Sizes or Weights Exceeding the Maximum Specified in the Said Chapter.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 2, Chapter 171, Laws of the Twenty-second Legislative Assembly be, and the same is hereby amended to read as follows:

"Section 2. **Size of Vehicles and Loads.**

Size of vehicles and loads.

(a) No vehicle shall exceed a total outside width, including any load thereon, of eight (8) feet, except that the width of a farm tractor, or of loads of hay or straw, shall not exceed twelve (12) feet, and except further that the limitations as to size of vehicles stated in this section shall not apply to implements of husbandry, equipment, structures or implements of industry, temporarily propelled or moved upon the public highway or to road machinery engaged in the construction or maintenance of highways.

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(b) No vehicle unladen or with load shall exceed a height of fourteen (14) feet six (6) inches. Height.

(c) No vehicle shall exceed a length of thirty-three (33) feet. Length.

(d) No vehicle shall carry any load extending more than three (3) feet beyond the front thereof. Extend beyond rear.

(e) No passenger vehicle shall carry any load extending beyond the line of the fenders on either side of such vehicle more than twelve (12) inches." Load on passenger vehicle requirement.

Section 2. Section 6, Chapter 171, Laws of the Twenty-second Legislative Assembly be, and the same is hereby amended to read as follows:

"Section 6. **Permits for Excess Size and Weight.** The State Highway Commission and local authorities in their respective jurisdictions may in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing, authorizing the applicant to operate or move a vehicle of a size or weight exceeding the maximum specified in this Act upon any highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. No permit shall be issued for a period of more than nine (9) months and every such permit shall designate the routes to be traversed and may contain any other restrictions or conditions deemed necessary by the body granting such permit, and may be cancelled at any time by such body for cause. Every such permit or a true copy thereof shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer, and it shall be a misdemeanor for any person to violate any of the terms or conditions of such special permit." Permits for excess size or weight. Term. May be cancelled. Must be carried in vehicle. Penalty.

Section 3. All Acts or parts of Acts in conflict with this Act are hereby repealed. Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

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CHAPTER 148

An Act to Amend Sections 8904 and 8906 Revised Codes of Montana, 1921, Providing the Manner of Drawing Trial Jurors in the District Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8904 Revised Codes of Montana 1921 be, and the same is hereby amended so as to read as follows:

"Section 8904. **Drawing—How Conducted.**

How drawing is to be conducted.

1. The Clerk must place said box on a rod so that the same may readily revolve and said box must be revolved a sufficient number of times so as to insure that the capsules in said box have become thoroughly mixed, and thereafter the Judge presiding must draw from said box, one at a time, as many of said capsules containing the names of jurors as are ordered by the Court.

What Court record shall show.

2. A minute of the drawing shall be entered in the minutes of the Court, which must show the name on each slip of paper so drawn from said jury box.

How persons exempt may be omitted.

3. If the name of any person is drawn from said box who is deceased or insane, or who may have permanently removed from the county, or who is exempt from jury service, and the fact shall be made to appear to the satisfaction of the Court, the name of such person shall be omitted from the list, and the slip of paper having such name on it shall be destroyed and another juror drawn in his place, and the fact shall be entered upon the minutes of the Court. The same proceeding shall be had as often as may be necessary, until the number of jurors required shall be drawn. After the drawing shall be completed, the Clerk shall make a copy of the list of names of the persons so drawn, and certify the same. In his certificate he shall state the date of the order and of the drawing, and the number of the jurors drawn, and the time when and the place where such jurors are required to appear. Such certificate and list shall be delivered to the Sheriff for service."

List of jurors to be made.

Certificate and list shall be delivered to Sheriff.

Section 2. That Section 8906 Revised Codes of Montana, 1921, be, and the same is hereby amended so as to read as follows:

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"Section 8906. **Jurors—When to be Drawn from Jury Box No. 2.** If, at the time of drawing trial jurors for a term or session, there is not a sufficient number of capsules containing ballots with the names of jurors thereon remaining in Box No. 1, the Judge presiding, after drawing all the capsules containing therein ballots with the names of jurors thereon, must draw the necessary number from Box No. 2, containing the names of those jurors who have before served, as prescribed in the last section; and must continue to draw from that box until new lists of jurors are provided."

When jurors are to be drawn from Box No. 2.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect on and after its passage and approval.

Approved March 14, 1933.

CHAPTER 149

An Act to Amend Section 5239 of the Revised Codes of Montana of 1921, Relating to Sewer Systems in Cities and Towns and the Collection of Revenue to Defray the Cost and Maintenance Thereof and Providing for a System of Sewer Rentals.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5239 of the Revised Codes of the State of Montana, 1921 be, and the same is hereby amended to read as follows:

"Section 5239. A sewer system may be established in a city or town, which system may be divided into public, district and private sewers.

Sewer systems.

Public sewers may be established and constructed along the principal course of drainage at such times, to such an extent, of such dimensions and material, and under such regulations as may be prescribed by the Council; and there may be constructed such branches and extensions of sewers already constructed, or to be constructed, as may be considered expedient.

Establishment of public sewers.

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How costs are to be paid.

To defray the cost of such public sewers, the City or Town Council may appropriate moneys therefor from the general or sewer fund, or by availing itself of moneys derived from a bond issue authorized by the Constitution and Laws of the state. It is further provided that when a public or main sewer also serves as a district sewer, the City Council may assess the property bordering or abutting upon such public sewer, either at the time of its construction or at any future time, for an amount equal to the estimated cost of such district sewer capable of accommodating such property.

When they may assess.

How to determine whether rentals shall be paid.

And/or to provide such sewer fund, and/or to provide for the retirement of such bonds, and/or the payment of the interest on such bonds, and/or for any purpose herein mentioned, the City Council shall, upon being petitioned by five (5) per cent of the qualified electors who must be taxpaying freeholders, as shown by the last assessment for taxable purposes, at the annual municipal election or at any special election called for that purpose, submit to a vote to the qualified electors who must be taxpaying freeholders, the question whether or not the City Council may establish and collect rentals for the use of such sewer system and may fix scale of such rentals and prescribe the manner and time at which such rentals shall be paid, and if a majority of votes is cast in favor of such proposition then the City or Town Council may establish and collect rentals for the use of any such sewer system and may fix the scale of such rentals and prescribe the manner and time at which such rentals should be paid and to change such scale of rentals from time to time as may be deemed advisable; providing, that the total revenue to be collected from all of the above sources in a given year shall be provided for by the Council in such a manner as to provide funds for the payment of all bond issues and interest thereon, as well as for all necessary expenses of the operation, maintenance and repair of any such sewer system. For the purpose of making such rental charges equitable, property benefited thereby may be classified, taking into consideration the volume and character of sewage or waste and the nature of the use made of such sewage facilities. Said rentals shall be collected or taxed against the property in like manner as water rentals are collected and taxed, or by such procedure as may be prescribed by the

Power of Council.

What to pay.

How to make rental equitable.

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City or Town Council, the revenues in this paragraph provided shall be in addition to and not exclusive of other revenues which may be now legally collected for sewer payment.

Additional revenue.

The funds received from the collection of sewer rentals shall be kept as a separate and distinct fund by the City Treasurer, subject only to disbursement by order of the Council. This fund shall be used for (1) the payment of the cost of management, (2) maintenance, (3) operation and (4) repair of the sewage system, including treatment and disposal works, (5) for the creation of a sinking fund for the retirement of any indebtedness, (6) for the payment of interest on any such indebtedness, and any surplus in such fund may be used for the enlargement or replacement of the same and for the payment of the interest on any debt incurred for the construction of such sewage system, including sewage pumping, treatment and disposal works, and for retiring such debt, but shall not be used for the extension of a sewage system to serve unsewered areas or for any purpose other than one or more of those above specified.

Disposition of money collected.

Proviso.

Any twenty-five (25) or more freeholders of such a municipality may file complaint with the Public Service Commission to the effect that the rental charges so fixed are unreasonable or unjustly discriminatory, and the Public Service Commission shall, upon public hearing thereon, file its findings and determination, stating therein in what respect, if any, said rental charges are unreasonable or unjustly discriminatory, and the municipality at interest shall forthwith readjust its rental charges so as to remove any unreasonable or unjustly discriminatory features so found by the Public Service Commission.

Complaint as to discrimination of rates.

How adjusted.

It is further provided that all the provisions of this Act referring to sewer rentals, shall apply to special improvement districts for the constructing and maintaining and operating of sanitary sewers and storm sewers, as provided for in Chapter 133 of the Session Laws of 1929, and the powers herein conferred on Councils shall be and are hereby conferred on the several Boards of County Commissioners for the purposes of said Chapter 133 of the Laws of 1929—insofar as the same relates to sewers."

Shall also apply to sanitary sewers and storm sewers.

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Section 2. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 150

An Act to Amend Section 9449 Revised Codes of Montana, 1921, Relating to Possession of Lands Prior to Foreclosure and During Period of Redemption.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9449 Revised Codes of Montana, 1921, be, and the same is hereby amended so as to read as follows:

Possession of land prior to foreclosure and during period of redemption.

"Section 9449. **Possession of Lands Prior to Foreclosure and During Period of Redemption.** The purchaser of lands at mortgage foreclosure or execution sales is not entitled to the possession thereof as against the execution debtor during the period of redemption allowed by law while said execution debtor personally occupies the land as a home for himself and his family. It shall be unlawful to insert in any mortgage of real estate any provision or language intended to constitute a waiver by the owner of real estate personally occupying land as a home for himself and family of the provision of this section or any provision or language intended to give the mortgagee possession of the land or premises prior to foreclosure upon default of tax, principal or interest payments. The intention hereof being to insure to such owner the possession of his land prior to foreclosure and during the year of redemption."

Intent and purpose.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

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CHAPTER 151

An Act to Amend Section 19 of Chapter 60 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana of 1927, Relating to the Exchange of State Lands, and Providing That the State Board of Land Commissioners of the State of Montana May Make Trades or Exchanges with Any County or Counties Within the State of Montana for County Lands or Real Estate.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 19 of Chapter 60 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana of 1927 be, and the same is hereby amended to read as follows:

"Section 19. The State Board of Land Commissioners of the State of Montana is hereby authorized and empowered to enter into contracts or agreements with the United States, or any department thereof having jurisdiction for the waiving and relinquishment to the United States of any and all rights of the State of Montana in and to Sections 16 and 36 of any township and to any other sections of state lands when such sections are situated within or adjoining a Federal Forest Reserve, or within or adjoining other Federal land reservations, provided that the State of Montana shall in lieu of the rights so waived and relinquished receive from the United States other lands of an equal area and not inferior in value. The lands so obtained by the State of Montana from the Federal Government in exchange for lands to which the state has waived and relinquished its rights shall preferably be forest lands, it being the main purpose of these provisions to enable both the United States and the State of Montana to consolidate its forest holdings; but if desirable forest land cannot be obtained for such state lands, then other lands may be selected.

Exchanging lands with the United States.

Proviso.

Forest lands preferred.

The State Board of Land Commissioners of the State of Montana is hereby authorized to accept on behalf of the State of Montana title in fee simple to any land owned by a county in the State of Montana and to convey in exchange therefor state owned land of approximately the same area and of a value not higher than the

Exchange lands with counties.

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Purpose.

land received from the county whenever such exchange will result in consolidating the state owned lands into more compact bodies.

All past contracts and agreements are hereby ratified.

All contracts and agreements heretofore entered into between the State Board of Land Commissioners and the United States, or any department thereof, waiving and relinquishing the rights of the State of Montana to Sections 16 and 36 in any township in this state, and the selection of lands in lieu of those so relinquished by the state are hereby ratified, confirmed and validated.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 152

An Act to Amend Section 29 of Chapter 188 of the Laws of the Twenty-second Legislative Assembly of the State of Montana, Relating to the Redemption of County Bonds Before Maturity.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 29 of Chapter 188 of the Laws of the Twenty-second Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

When bonds shall be redeemed.

"Section 29. **Redemption of Bonds Before Maturity.** Whenever there is available money in any sinking and interest fund, over and above the amount required for payment of principal and interest, becoming due on the next interest payment date, sufficient to pay and redeem one or more of the outstanding bonds of the issue or series to which such sinking and interest fund belongs, and such bonds are held by the State of Montana, the County Treasurer must apply such available money in payment of as many of such bonds as the same will pay. Not less than fifteen (15) days before the next

Procedure for redemption.

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interest payment date, the County Treasurer must give notice to the State Board of Land Commissioners that on such interest payment date such bond or bonds will be paid, and the County Treasurer, before such interest payment date, must remit to the State Treasurer the amount required to pay such bond or bonds, with the interest thereon. Upon receipt of such amount the State Treasurer must cancel such bond or bonds and all unpaid interest coupons attached thereto, and return the same, with his receipt, to the County Treasurer.

Whenever there is available money in any sinking and interest fund, over and above the amount required for payment of principal and interest becoming due on the next interest payment date, sufficient to pay and redeem one or more outstanding optional bonds of the issue or series to which such sinking and interest fund belongs, and which bonds are not yet due but are then redeemable or will become redeemable on the next interest payment date, and such bonds are not held by the State of Montana, the County Treasurer, when directed by the Board of County Commissioners, must apply such available money in payment and redemption of as many of such bonds as the same will pay and redeem. The County Treasurer must give notice to the holder of such bond or bonds, if known to him, or to any bank or financial institution at which such bonds are payable, at least fifteen (15) days before the next interest payment date, that such bonds will be paid and redeemed on such date. The County Treasurer must also publish in the official newspaper of the county, once a week for two (2) consecutive weeks immediately preceding such interest payment date, a notice that such bond or bonds have been called in for redemption and will be paid in full on such interest payment date. If such bonds are payable at some bank or financial institution the County Treasurer must remit to such bank or financial institution, before such interest payment date, an amount sufficient to pay and redeem such bonds. If such bonds are not presented for payment and redemption on such interest payment date interest thereon shall cease on such date.

Notice to holder of bonds.

Effect of non-presentment by holder.

All bonds paid and redeemed under the provisions of this section must be paid and redeemed in the numerical order in which the same were issued."

Must redeem in numerical order.

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Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 153

An Act Permitting the Construction of Passes on Roads and Highways Which Will Permit the Passage of Automobiles and Trucks and Prevent the Passage of Livestock; Authorizing Such Construction by County Commissioners or Under Their Direction, Under Certain Conditions; and Providing That Such a Pass in a Legal Fence Shall Not Deprive Such Fence of its Character as a Legal Fence.

Be it enacted by the Legislative Assembly of the State of Montana:

Where passages for autos shall be constructed which will exclude livestock.

Section 1. Where a public road or roads connects with a state highway, which state highway is fenced on both sides, the County Commissioners, of the county in which said roads are located, may cause to be constructed and maintained thereon extensions of the fence on the sides of the state highway and across the intersecting road leaving in such fences a pass across which must be constructed a passage which will permit the passage of automobiles and trucks but shall prevent and exclude loose livestock from drifting upon said state highway, and there shall also be maintained in said extensions a gate to permit the passage of livestock, wagons or other vehicles.

Purpose and intent.

Section 2. County Commissioners may construct, or cause to be constructed under their direction, on public or county roads, passes across which such roads may continue and which shall be so constructed that automobiles and trucks may cross same and which shall be impassable for livestock. Where necessary gates shall also be maintained as provided in Section 1 of this Act; provided, that it is the spirit and intent of the statute, that the discretion granted to Boards of County Commissioners under this Act shall consider primarily the use and benefit of public roads to the general public.

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Section 3. There may be maintained in a legal fence a pass so constructed that automobiles and trucks may pass over the same and which will prevent the passage of livestock across said opening without depriving such fence of the character of a legal fence under the laws of this state. Legal fence.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 154

An Act to Provide for the Support of the Government of Montana for the Years 1933 and 1934.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby levied for the year 1933, for state purposes, including, but not in addition to the levy provided in House Bill No. 22 of the Twenty-third Legislative Assembly of Montana, being "An Act Authorizing the Issuance of Bonds of the State of Montana to Fund Indebtedness of said State Evidenced by General Fund Warrants, and Providing for the Payment Thereof", upon all of the property in the State of Montana subject to taxation and ad valorem tax, making a total levy of four and one-half (4½) mills on each dollar of the taxable valuation of such property, which shall include the levy to cover the bond issue under House Bill No. 22 as ascertained by taking the percentage of the true and full value provided by law for the purpose of taxation, and the University millage fund shall be three (3) mills, one-half (½) mill of which shall be used to retire the outstanding warrants in the University millage fund and one and one-half (1½) mills shall be for the state general fund and the levy for the bond issue. Levy for 1933. General. Includes levy of House Bill 22. University millage fund.

Section 2. There is hereby levied upon all property in the State of Montana subject to taxation for the year 1933, ten-twelfths (10/12) of a mill on each dollar of Levy of 1933 for bonds.

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taxable valuation of such property, as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation for the purpose of paying the interest on and to constitute a sinking fund for the redemption of bonds issued by the State of Montana, pursuant to the provisions of a law initiated and approved by the people of the State of Montana, at the general election held in November, 1920, and entitled: "A Bill to Enact by the Initiative a Law to authorize the State of Montana to become indebted in the sum of Five Million Dollars ($5,000,000) in excess of the Constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated for the construction, repair and equipment of necessary buildings at the several Educational Institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, and the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon comprised in the University of Montana, and the State Orphans' Homes at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena; providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and the interest accruing thereon." (Section 5606 to 5614, both inclusive, of the Revised Codes of Montana, 1921.)

Bonds contemplated.

Levy for 1934.

Section 3. There is hereby levied for the year 1934, for state purposes, including, but not in addition to the levy provided in House Bill No. 22 of the Twenty-third Legislative Assembly of Montana, being "An Act Authorizing the Issuance of Bonds of the State of Montana to Fund Indebtedness of said State Evidenced by General Fund Warrants, and Providing for the Payment Thereof", upon all of the property in the State of Montana subject to taxation and ad valorem tax, making a total levy of four and one-half (4½) mills on each dollar of the taxable valuation of such property, which shall

General.

Includes levy of House Bill 22.

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include the levy to cover the bond issue under House Bill No. 22 as ascertained by taking the percentage of the true and full value provided by law for the purpose of taxation, and the University millage fund shall be three (3) mills, one-half (½) mill of which shall be used to retire the outstanding warrants in the University millage fund and one and one-half (1½) mills shall be for the state general fund and the levy for the bond issue.

University millage fund.

Section 4. There is hereby levied upon all property in the State of Montana subject to taxation for the year 1934, ten-twelfths (10/12) of a mill on each dollar of taxable valuation of such property, as ascertained and determined by taking the percentage of the true and full value provided by law for the purpose of taxation, for the purpose of paying the interest on, and to constitute a sinking fund for the redemption of bonds issued by the State of Montana, pursuant to the provisions of a law initiated and approved by the people of the State of Montana, at the general election held in November, 1920, and entitled: "A Bill to Enact by the Initiative a Law to authorize the State of Montana to become indebted in the sum of Five Million Dollars ($5,000,000) in excess of the Constitutional Limitation of indebtedness and over and above any bonded indebtedness and heretofore incurred or created and for which the State of Montana is now obligated, for the construction, repair, and equipment of necessary buildings at the several Educational Institutions of the State of Montana now under the control of the State Board of Education, and consisting of the State University at Missoula, the State College of Agriculture and Mechanic Arts at Bozeman, the Montana State School of Mines at Butte and the Montana State Normal College at Dillon comprised in the University of Montana, and the State Orphans' Homes at Twin Bridges, the Montana School for the Deaf and Blind at Boulder, the Montana State Industrial School at Miles City, and the State Vocational School for Girls at Helena, providing for the issuance of bonds in the name of the State of Montana as evidence of such indebtedness and for the sale thereof; prescribing the form of such bonds; and providing for the levying of an annual tax sufficient to pay the principal thereof and the interest accruing thereon." (Section 5606 to 5614,

Levy of 1934 for bonds.

Bonds contemplated.

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both inclusive, of the Revised Codes of Montana, 1921.)

Saving clause.

Section 5. If any part of this Act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this Act.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1933.

CHAPTER 155

An Act Requiring Licenses for the Operation, Maintenance, Opening or Establishment of Stores in This State, Prescribing the License and Filing Fees to be Paid Therefor, and the Disposition Thereof, and the Powers and Duties of the State Board of Equalization in Connection Therewith, and Prescribing Penalties for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Every store must be licensed.

Section 1. That from and after the first day of July, 1933, it shall be unlawful for any person, firm, corporation, association or co-partnership, either foreign or domestic, to operate, maintain, open or establish any store in this state without first having obtained a license so to do from the State Board of Equalization, as hereinafter provided.

Application.

Section 2. Any person, firm, corporation, association or co-partnership desiring to operate, maintain, open or establish a store in this state shall apply to the State Board of Equalization for a license so to do. The application for a license shall be made on a form which shall be prescribed and furnished by the State Board of Equalization, and shall set forth the name of the owner, manager, trustee, lessee, receiver or other person desiring such license; the name of such store, the location, including the street number of such store; and such other facts as the State Board of Equalization may require. If the applicant desires to operate, maintain, open or establish more than one such store, he shall make a separate application for a license to operate, maintain,

Contents.

Separate application for each store owned.

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open or establish each such store, but the respective stores for which the applicant desires to secure licenses may all be listed on one application blank. Each such application shall be accompanied by a filing fee of Fifty Cents, and by the license fee as prescribed in Section 5 of this Act.

Filing fee and license fee.

Section 3. As soon as practicable after the receipt of any such application, the State Board of Equalization shall carefully examine the necessary and requisite information. If, upon examination, the State Board of Equalization shall find that any such application is not in proper form and does not contain the necessary and requisite information, it shall return such application for correction. If an application is found to be satisfactory and if the filing and license fees, as herein prescribed, shall have been paid, the State Board of Equalization shall issue to the applicant a license for each store for which an application for a license shall have been made. Each licensee shall display the license so issued in a conspicuous place in the store for which such license is issued.

Board shall examine application.

Issue license.

License to be displayed.

Section 4. All licenses shall be so issued as to expire on the thirty-first day of December of each calendar year. On or before the first day of January of each year, every person, firm, corporation, association or copartnership having a license shall apply to the State Board of Equalization for a renewal license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the State Board of Equalization. No license shall lapse prior to the thirty-first day of January of the year next following the year for which such license was issued, and if, by such thirty-first day of January, an application for a renewal license has not been made, the State Board of Equalization shall notify such delinquent license holder thereof, by registered mail, and if application is not made for and a renewal license issued on or before the last day of February, next ensuing, the former license shall lapse and become null and void. Each such application for a renewal license shall be accompanied by a filing fee of Fifty Cents, and by the license fee as prescribed in Section 5 of this Act.

Date of expiration of license.

Application for renewal licenses.

Lapsed license.

Filing fee and license fee for renewal.

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Who shall pay license fees.

Section 5. Every person, firm, corporation, association or co-partnership opening, establishing, operating or maintaining one or more stores or mercantile establishments, within this state, under the same general management, supervision or ownership, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating or maintaining such stores or mercantile establishments. The license fee herein prescribed shall be paid annually, and shall be in addition to the filing fee prescribed in Sections 2 and 4 of this Act.

License fees.

The license fees herein prescribed shall be as follows:

One or two stores.

(1) Upon one or two stores the annual license fee shall be Two Dollars and Fifty Cents ($2.50) for each such store;

Third and fourth.

(2) Upon the third and fourth stores the annual license fee shall be Fifteen Dollars ($15.00) for each such store;

Fifth and sixth.

(3) Upon the fifth and sixth stores the annual license fee shall be Twenty Dollars ($20.00) for each such store;

Seventh to tenth inclusive.

(4) Upon the seventh to the tenth stores, both inclusive, the annual license fee shall be Twenty-five Dollars ($25.00) for each such store;

Each store in excess of ten.

(5) Upon each store in excess of ten the annual license fee shall be Thirty Dollars ($30.00) for each additional store.

Licenses issued after July 1 shall pay one-half of full rate.

Section 6. Each and every license issued prior to the first day of July of any year shall be charged for at the full rate, and each and every license issued on or after the first day of July of any year shall be charged for at one-half of the full rate, as prescribed in Section 5 of this Act.

To whom Act is construed to apply.

Section 7. The provisions of this Act shall be construed to apply to every person, firm, corporation, co-partnership or association, either domestic or foreign, which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association of ultimate management.

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Definition of term "store."

Section 8. The term "store" as used in this Act shall be construed to mean and include any store or stores or any mercantile establishment or establishments which are owned, operated, maintained or controlled by the same person, firm, corporation, co-partnership or association, either domestic or foreign, in which goods, wares or merchandise or petroleum products of any kind, are sold, either at retail or wholesale.

Penalty for violation.

Section 9. Any person, firm, corporation, co-partnership or association who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100), and each and every day that such violation shall continue shall constitute a separate and distinct offense.

Expenses, how paid.

Section 10. Any and all expenses incurred by the State Board of Equalization in the administration of this Act shall be paid out of the funds accruing from the fees imposed by and collected under the provisions of this Act. All money collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be paid into the state treasury, monthly, by the State Board of Equalization and shall be added to and shall constitute a part of the general fund and common school equalization fund equally.

Disposition of money collected.

Board to employ clerical help to carry out Act.

Section 11. The State Board of Equalization is hereby authorized to employ such clerical assistants as may be necessary to carry out and administer the provisions of this Act, and to prepare and print such blanks, forms, reports, receipts and any and all other things which may be necessary to provide for the administration of this Act, and to pay any and all such expenses so incurred out of the fund collected under the provisions of this Act.

Saving clause.

Section 12. If any section, provision or clause of this Act should be declared invalid, such invalidity shall not be construed to affect the portions of the Act not so held invalid.

Section 13. This Act shall be in full force and effect from and after the first day of July, 1933.

Approved March 16, 1933.

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CHAPTER 156

An Act to Amend Section 44 of Chapter 148 of the Session Laws of the Twenty-second Legislative Assembly of Montana, Relating to District High Schools, Rent of Quarters and Transportation of High School Pupils and Authorizing a Tax Levy Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section Forty-four (44) of Chapter One Hundred Forty-eight (148) of the Twenty-second Legislative Assembly of Montana be, and the same is hereby amended to read as follows:

"Section 44. Whenever the Board of Trustees of any school district shall deem it for the best interest of the district and of any eligible high school pupil, residing within the district or whenever the Board of Trustees of any school district maintaining an accredited high school shall deem it for the best interest of the district and of any eligible high school pupil residing within the county, who is actually enrolled in the high school maintained by the district, it may by resolution pay out of the funds of the district a part or all of the expenses of the transportation of such pupil to, or a part or all of the rent of his quarters at, the accredited high school located in said district and which is nearest or most accessible to the pupil's residence. If said district which maintains the accredited high school nearest or most accessible to the pupil's residence does not furnish transportation or rent of quarters, then any other school within the county which maintains an accredited high school may furnish such transportation or rent of quarters. The moneys needed to defray the expenses of such rent of quarters, or of such transportation may be included in the amount to be raised by the special county tax for the maintenance of high schools. Upon recommendation of the County Superintendent, the County Commissioners may include in any high school budget an amount sufficient to pay for the transportation of or rent of quarters for students eligible for high school and located in isolated communities where no means for high school attendance have been provided. But all moneys expended in accordance with this section for rent of

Board's authority as to rent of quarters and transportation of high school pupil.

Money, how raised.

Must comply with schedule of State Board.

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quarters or transportation shall be paid out only according to the schedule therefor promulgated by the State Board of Education, and not otherwise; provided, that no transportation shall be paid for students residing within the incorporated limits of a city, or for students residing within five (5) miles from the high school building, unless a bus route has been established when Trustees may transport such students who reside on such route within these limits. Provided further that contracts for transportation entered into between July 1, 1931, and the date of approval of this Act, by any district, are hereby validated and the Trustees are authorized to issue warrants in payment of same."

Validating clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 157

An Act to License Gasoline Dealers Engaged in Business in the State of Montana; Requiring Such Dealers to File with the State Board of Equalization a Bond Conditioned for the Payment of Gasoline License Taxes; Providing for Revocation of Licenses, Defining the Term Gasoline Dealer and Making Violations of the Provisions of This Act a Misdemeanor.

Be it enacted by the Legislative Assembly of the State of Montana:

Who are required to be licensed.

Section 1. Any gasoline dealer engaged in the business in the State of Montana of producing, refining, manufacturing, compounding or importing into this state gasoline for sale, or purchasing gasoline within this state in quantities of not less than railway tank car lots, when this Act becomes effective, shall, within thirty (30) days thereafter, and any other such dealer prior to the commencement of doing business, shall file an application for a license with the State Board of Equalization on a form prescribed and furnished by said Board setting

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forth therein such information as may be required by said Board. Each gasoline dealer shall at the same time file a corporate surety bond or such collateral security or indemnity as may be deemed sufficient by the State Board of Equalization, but in no case more than estimated amount of gasoline taxes for two successive months to the effect that said gasoline dealer will pay to the State of Montana all gasoline license taxes, together with penalties and interest, required by law. Upon approval of such application, the State Board of Equalization shall issue to the gasoline dealer a non-assignable license with a duplicate copy for each place of business of said gasoline dealer in this state, which license shall continue in force until surrendered or cancelled.

Bond required.

Non-assignable license.

When to be effective.

No gasoline dealer shall, after thirty (30) days from the effective date of this Act, sell, or offer for sale, any gasoline within this state until such license is issued; nor shall any gasoline dealer engage in such business, subsequent to the passage of this Act, without first procuring such license.

Board may revoke for failure to pay tax.

Section 2. The State Board of Equalization is hereby authorized to revoke any license issued under this Act immediately upon the failure of any gasoline dealer to make reports or pay the license tax required by law.

Penalty.

Section 3. Any gasoline dealer failing to comply with, or violating any of the provisions of this Act shall be guilty of a misdemeanor.

Definition of "gasoline dealer."

Section 4. As used in this Act the term "gasoline dealer" means and includes every person, firm, association, joint-stock company, syndicate and corporation engaged in the business in the State of Montana of producing, refining, compounding or importing into this state gasoline for sale, or purchasing gasoline within this state in quantities of not less than railway tank car lots.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after April 1st, 1933.

Approved March 16, 1933.

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CHAPTER 158

An Act to Amend Section 1759 of the Revised Codes of Montana of 1921, as Amended by Chapter 113 of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana of 1925, as Amended by Chapter 181 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as Amended by Chapter 158 of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana of 1931, Relating to Registration and Reregistration of Motor Vehicles, Providing for Application for Registration and Time for Making Application, Assessment and Payment of Taxes on Motor Vehicles Prior to Registration, Issuance and Assignment of Number Plates and Exhibition Thereof, Distribution of Taxes and License Fees Collected, Application for Dealer's License, Replacement of Number Plates, Exemption of Non-resident Owners; Prescribing the Duties of Registrar of Motor Vehicles and County Assessors and County Treasurers; to Amend Section 1757 of the Revised Codes of Montana of 1921, Relating to Number Plates of Motor Vehicles, Prescribing the Specifications Thereof and Providing for Assignment of Index Numbers to Counties of State; to Amend Section 2002 of the Revised Codes of Montana of 1921, Providing When Assessment of Property Shall be Made, When and How Credits Must be Assessed, and When Motor Vehicles Shall be Assessed; to Amend Section 1 of Chapter 96 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana of 1923, as Amended by Chapter 79 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as Amended by Chapter 67, of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana of 1931, Providing for the Payment of General Taxes, Special Improvement Assessments, and Taxes on Motor Vehicles; and Repealing All Acts and Parts of Acts in Conflict with the Proposed Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1759 of the Revised Codes of Montana of 1921, as amended by Chapter 113 of the Ses-

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sion Laws of the Nineteenth Legislative Assembly of the State of Montana of 1925, as amended by Chapter 181 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 158 of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana of 1931, be, and the same is hereby amended to read as follows:

"Section 1759. **Application for Registration of Motor Vehicles and Payment of Taxes and License Fees Thereon.**

Application for licenses.

1. Every owner of a motor vehicle operated or driven upon the public highways of this state shall, for each motor vehicle owned, except as herein otherwise expressly provided, file, or cause to be filed, in the office of the County Treasurer of the county wherein such motor vehicle is owned or taxable, a verified application for registration, or re-registration, upon blank form to be prepared and furnished by the Registrar of Motor Vehicles, executed in duplicate, which application shall contain:

What to contain.

(1) Name and address of owner, giving county, school district, and town or city within whose corporate limits the motor vehicle is taxable.

(2) Name and address of conditional sales vendor, mortgagee or holder of other lien against said motor vehicle, with statement of amount owing under such contract or lien.

(3) Description of motor vehicle, including make, year model, engine and serial number, manufacturer's model or letter, weight, type of body and, if truck, the number of tons.

(4) In case of re-registration, the license number for preceding year.

(5) Such other information as the Registrar of Motor Vehicles may require.

Applicant shall submit application to Assessor.

Before filing such application with the County Treasurer, the applicant shall submit the same to the County Assessor of said county and said County Assessor shall indicate on said application in a space to be provided for that purpose, the assessed valuation of said auto-

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mobile for the year for which said application of registration is made. The applicant shall, upon the filing of said application, pay to the County Treasurer the registration fee prescribed by Section 1760 of the Revised Codes of Montana of 1921 and any amendments thereto, and all owners of motor vehicles subject to taxation in Montana on the first day of January and those acquiring ownership of motor vehicles prior to the first Monday in March shall also pay the taxes assessed against said motor vehicle for the current year of registration, unless said taxes are a lien upon real property of said taxpayer. Upon satisfactory proof that any vehicle registered subsequent to the first Monday in March was not taxable in the state on said first Monday in March or that the taxes thereon had been paid, or that said taxes are a lien upon real property of the taxpayer, such fact shall be noted on receipt issued by the County Treasurer as hereinafter provided.

Pay license fee.

When taxes shall also be paid.

What shall be noted on receipt.

2. **Time for Making Application.** Registration must be renewed annually and license fees and taxes paid annually. All registrations expire on December 31 of the year in which they are issued and application for registration, or re-registration, must be filed with the County Treasurer as aforesaid not later than February 1 of each year.

Time for application.

3. **Issuance of Receipt and Assignment of Number Plates.** Upon receipt of application for registration and payment of license fee and taxes as herein provided, the County Treasurer shall file one copy of said application in his office and issue to the applicant a receipt in triplicate, delivering one copy of said receipt to the applicant, one copy to the County Clerk and Recorder and retaining one copy for his office; and he shall daily forward to the Registrar of Motor Vehicles the duplicate of application for registration. The County Treasurer shall also, in the case of motor vehicles registered for the first time, issue to the applicant a sticker upon a form to be prepared and furnished by Registrar of Motor Vehicles, reciting that license fees have been paid, such sticker to be used pending receipt of license plates as hereinafter provided. It shall not be necessary for the County Treasurer, in said receipt, to segregate the amount of said taxes for state, county, school district

Duty of Treasurer to issue receipt and to forward duplicate of application to Registrar.

When a sticker is to be issued.

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and municipal purposes. Upon receipt of duplicate application the Registrar of Motor Vehicles shall assign such motor vehicle a distinctive number and mail to the applicant two number plates, which shall bear such distinctive number, together with the certificate of registration as provided in Section 1758 as amended.

Registrar to assign number and issue plates.

Disposition of taxes collected and license fees.

4. **Disposition of Taxes and License Fees Collected.** The County Treasurer shall credit all taxes on motor vehicles so collected to a motor vehicle suspense fund and, at sometime between March 1 and March 10 of each year, and every sixty days thereafter, he shall distribute the same in the relative proportions required by the levies for state, county, school district and municipal purposes in the same manner as other property taxes are distributed. All license fees collected by the County Treasurer shall be credited to the motor vehicle license fund. The cost of making and mailing license plates and identification marks, certificates and other expenses of operating the Motor Vehicle Department of the State of Montana shall be pro-rated by the Registrar of Motor Vehicles among the counties of the state in proportion to the number of cars registered in each county, and he shall bill each county therefor by verified claim, and each county shall thereupon pay the amount so charged out of said motor vehicle license fund; provided, however, that each county shall receive credit for its pro rata share of any fees paid to the Registrar of Motor Vehicles. The remainder of said motor vehicle license fund shall be transferred by the County Treasurer at the end of each month to the road fund of said county and shall be used by the county for the purposes set forth in Section 1760 of the Revised Codes of Montana for 1921 and amendments thereto, providing, however, that the County Treasurer shall retain ten per cent of all license fees in said motor vehicles license fund until he has been billed by the Registrar as aforesaid and notified by the Registrar that any balance may be transferred to the road fund.

How costs shall be charged.

Disposition of balance of fund.

Treasurer to keep 10% until notified.

Application for dealer's license.

5. **Application for Dealer's License.** Every dealer in motor vehicles or automobile accessories shall cause to be filed, by mail or otherwise, in the office of the Registrar of Motor Vehicles, a verified application for registration as a dealer on a blank to be furnished by the Registrar of Motor Vehicles for that purpose, and con-

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taining the information therein called for. Each application must be accompanied by the registration fee hereinafter named. Dealer's registration must be renewed and paid for annually, and application for re-registration must be filed not later than February first of each year. Upon the registration of a dealer, the Registrar of Motor Vehicles shall assign to such dealer a distinctive serial registration number as a dealer and furnish every dealer in motor vehicles with not less than two (2) sets of number plates, and as many more as the fee he shall pay will entitle him to, which number plates shall be similar to number plates furnished to owners of motor vehicles but shall bear thereon, in addition to the serial number assigned such dealer, the word 'Dealer' or the letter 'D.' Nothing contained in this paragraph shall be construed to authorize a dealer in motor vehicles to operate or use any motor vehicle otherwise than in the usual, ordinary conduct of his business, unless registered in accordance with the first paragraph of this section, and upon it being made to appear to the satisfaction of the Registrar that any such dealer has used his dealer's license otherwise than in the usual ordinary conduct of his business, the Registrar may revoke such dealer's license.

Renewal and expiration.

Number of plates.

How marked.

When revoked.

6. **Must Have License Plates.** Except as otherwise provided herein, no person shall operate a motor vehicle upon the public highways of this state without a license and unless such vehicle shall have been properly registered and shall have the proper number plates conspicuously displayed, one (1) on the front and one (1) on the rear of such vehicle, each securely fastened so as to prevent the same from swinging and unobstructed from plain view, except that trailers and semi-trailers shall have but one (1) number plate conspicuously displayed on the rear. No person shall display on such vehicle at the same time any number assigned to it under any motor vehicle law, except as in this Act otherwise provided.

Must have license.

How to display licenses.

7. **Replacing Number Plates.** In the event of loss, mutilation, or destruction of number plates, the owner of the registered motor vehicle may obtain from the Registrar of Motor Vehicles, duplicates thereof upon filing sworn declaration showing such fact and payment of a fee of One Dollar ($1.00).

When replaced.

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Montana resident must have Montana license.

8. **Resident Owners Operating Motor Vehicles Under Licenses Issued by Any State Other Than Montana.** It shall especially be provided that a resident of the State of Montana shall not operate a motor vehicle under a license issued by any other state than Montana."

Section 2. That Section 1757 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

Number plates.

"Section 1757. **Number Plates.** Every motor vehicle which shall be driven upon the streets or highways of this state shall display both front and rear a number plate, bearing the distinctive number assigned such vehicle by the Registrar of Motor Vehicles. Such number

Series.

plate shall be in five series: One series for owners of motor cars, one for owners of motor vehicles of the motor-cycle type, one for dealers in each of the two types of vehicles above named, and one for trucks. All

Description and character of plates.

number plates for motor vehicles shall be renewed annually, shall bear a distinctive marking each year, and shall be furnished by the state. In the case of motor cars, number plates shall be of metal at least five inches wide and not less than thirteen inches in length, and the word 'Montana' with the year shall be placed across the bottom of the plate. The background of the plate shall be of a distinctive color each year, which color shall be designated by the Registrar of Motor Vehicles. The distinctive registration numbers shall begin with No. 1 and be numbered consecutively for each series of plates. The distinctive registration number assigned to the vehicle and the numeral or symbol for the county in which the number plate is issued shall appear on the plate. The dimensions of such numerals and the manner of placing the same on said number plates shall be determined by the Registrar of Motor Vehicles. For the use of dealers the number plates shall be essentially as those for motor cars and motor-cycles, except that to the left of the serial number the plate shall contain the letter 'D', such letter to be of the same height and size as the figures composing the serial number.

County numbers.

For the purpose of this Act, the several counties of the state shall be assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder

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River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56; any new counties shall be assigned numbers by the Registrar of Motor Vehicles as they may be formed, beginning with the number 57."

Section 3. That Section 2002 of the Revised Codes of the State of Montana for 1921, be, and the same is hereby amended to read as follows:

"Section 2002. **When Assessment to be Made—Credits Must be Assessed—How/When Motor Vehicles Assessed.**

When assessment to be made.

The Assessor must, between the first Monday of March and the second Monday of July in each year, assess the names of all taxable inhabitants, and all property in his county subject to taxation, except such as is required to be assessed by the State Board of Equalization, and except motor vehicles theretofore assessed as provided herein and Section 1759 as amended by this Act, and must assess such property, to the persons by whom it was owned or claimed, or in whose possession or control it was at twelve o'clock M. on the first Monday of March next preceding; but no mistake in the name of the owner or supposed owner of real property renders the assessment thereof invalid. Credits must be assessed as provided in Section 1996, Subdivision 6. The Assessor must, also, pursuant to the provisions of Section 1759 as amended by this Act, assess all motor vehicles in his county subject to taxation on January 1st of each year and all motor vehicles becoming taxable thereafter up to twelve o'clock noon of the first Monday in March of each year, at the time that such motor vehicles shall so become taxable in his said county."

Credits.

Vehicles.

Section 4. That Section 1 of Chapter 96 of the Session Laws of the Eighteenth Legislative Assembly of the State of Montana of 1923, as amended by Chapter 79

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of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana, as amended by Chapter 67 of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

How and when taxes shall be paid.

"Section 1. (a) All taxes levied and assessed in the State of Montana, except special assessments made for special improvements in towns and cities, and except taxes levied and assessed upon motor vehicles, shall be payable as follows: One-half (½) of the amount of such taxes shall be payable on or before five o'clock P. M. on the 30th day of November of each year, and one-half (½) on or before five o'clock P. M. on the 31st day of May of each year; provided that unless one-half (½) of such taxes are paid on or before five o'clock P. M. on the 30th day of November of each year, then such amount so payable shall become delinquent and shall draw interest at the rate of two-thirds (2/3) of one per centum (1%) per month from and after such delinquency until paid and five per centum (5%) shall be added to the amount thereof as a penalty. All taxes due and not paid on or before five o'clock P. M. on the 31st day of May of each year shall be delinquent and shall draw interest at the rate of two-thirds (2/3) of one per centum (1%) per month from and after such delinquency until paid and five per centum (5%) shall be added to the amount thereof as a penalty.

Penalty for delinquency.

When special assessments are due and payable.

(b) **Special Assessments for Special Improvements.** Special assessments, or installments of special assessments, made for special improvements in towns and cities, duly and regularly made and levied by resolution, according to law, shall be payable on or before five o'clock P. M. on the 30th day of November of each year, and in the event the same are not paid on or before said date, the same shall be subject to the same interest and penalty for non-payment as are or may hereafter be provided by the laws of the State of Montana for other delinquent taxes. The collection thereof shall be had and made as provided by Section 5251, Political Code, Revised Codes of Montana, 1921, as the same is now in force or may be hereafter amended.

Penalty for delinquency.

When taxes are due on vehicles.

(c) **Taxes on Motor Vehicles.** All taxes levied and assessed in the State of Montana upon motor vehicles

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shall be payable, respectively, to the County Treasurer of each county wherein each motor vehicle is taxable prior to the time such Treasurer accepts an application for registration or re-registration of such motor vehicle, and in any event not later than other personal property taxes are collected, unless the owner of said motor vehicle also owns real property, in which event the taxes assessed against said motor vehicle shall also be a lien against said real property from the date of assessment and shall be collected at the time and in the manner hereinabove provided for the collection of other general taxes, and no County Treasurer shall accept or transmit to the Registrar of Motor Vehicles any application for registration or re-registration of any motor vehicles subject to taxation in his county until the tax levied and assessed upon such motor vehicle has been paid, or constitute a lien against the owner's real property, and the acceptance by said County Treasurer and the transmission by him to the Registrar of Motor Vehicles of application for registration or re-registration shall be taken and accepted by the Registrar of Motor Vehicles as full evidence that the tax upon such motor vehicle has been paid for the calendar year in which a registration license is given, or as a lien against the real property of said taxpayer, provided, however, that nothing herein contained shall be deemed to require the payment of taxes upon any motor vehicle not taxable in the county of such Treasurer on or before twelve o'clock noon on the first Monday of March."

Auto license application will not be accepted until taxes are taken care of.

Exception.

Section 5. That Section 4 of Chapter 158 of the Session Laws of 1931, be, and the same is hereby amended to read as follows:

"Section 4. The Treasurer of any county shall not accept any application for registration or re-registration of any motor vehicle unless such application is accompanied by the registration receipt issued for the last year in which such vehicle was registered, except in cases of vehicles not previously registered in this state, and provided that such registration receipt will not be required when the applicant files with the County Treasurer a statement under oath that such vehicle was not driven or operated upon the highways of the state during the previous year."

Registration receipt for last year necessary.

Proviso.

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Repealing clause.

Section 6. That Sections 1, 2 and 3 of Chapter 171 of the Session Laws of 1929 and Section 3 of Chapter 158 of the Session Laws of 1931 and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect on and after January 1, 1934.

Approved March 16, 1933.

CHAPTER 159

An Act to Amend Section 1755 of the Revised Codes of Montana of 1921 as Amended by Chapter 177 of the Session Laws of the Nineteenth Legislative Assembly of the State of Montana of 1925, as Amended by Chapter 129 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana of 1927, as Amended by Chapter 181 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as Amended by Chapter 158 of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana of 1931, to Amend Section 1758 of the Revised Codes of Montana of 1921, All Relating to Registration and Re-registration of Motor Vehicles, Trailers and Semi-Trailers, Motor and Accessories Dealers and Operators and Chauffeurs; Prescribing the Duties of the Registrar of Motor Vehicles and Records to be Kept; Providing for Issuance of Certificates of Registration and Ownership Therefor; Defining the Terms 'Owner' and 'Legal Owner'; Providing for Renewal of Registration, Transfer of Title or Interest in Motor Vehicles and Issuance of New Certificates of Registration and Ownership; for Filing of Chattel Mortgages and Conditional Sales Contracts with Registrar of Motor Vehicles, Registration of Holder as Legal Owner and the Same Being Constructive Notice of Said Mortgage or Conditional Sales Contract; Fees for Certificates and Transfers of Title; Duplicate Certificates, and Chauffeur's Badge.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1755 of the Revised Codes of Montana of 1921, as amended by Chapter 177 of the Ses-

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sion Laws of the Nineteenth Legislative Assembly of the State of Montana of 1925, as amended by Chapter 129 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana of 1927, as amended by Chapter 181 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 158 of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana of 1931 be, and the same is hereby amended to read as follows:

"Section 1755. **Duties of Registrar of Motor Vehicles —Records.**

Duty of Registrar of Motor Vehicles.

1. The Warden of the State Penitentiary shall be, and is hereby constituted the Registrar of Motor Vehicles, trailers and semi-trailers, of motor and accessories dealers and of operators and chauffeurs, and as such it shall be his duty to keep a record as hereinafter specified of all motor vehicles, trailers and semi-trailers of every kind, and certificates of registration and ownership thereof, of all dealers in motor vehicles and automobile accessories and of operators and chauffeurs.

What the record shall show.

2. In the case of motor vehicles, trailers and semi-trailers, the record shall show the following: Name of owner, residence by town and county, business address, name and address of conditional sales vendor, mortgagee or other lien holder and amount due under contract or lien, manufacturer of car, manufacturer's designation of style of car or vehicle, manufacturer's engine and serial number, year of manufacture, character of motive power and shipping weight of car as shown by the manufacturer and the distinctive license number assigned such car or vehicle; and, if a truck or trailer, the number of tons capacity, and such other information as may from time to time be found desirable.

How to be filed.

3. The Registrar shall file applications for registration received by him from the County Treasurers of the state and register the vehicles therein described and the owners thereof in suitable books or on index cards, as follows:

(a) Under distinctive license number assigned to vehicle by the County Treasurers.

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(b) Alphabetically under name of owners.

(c) Numerically under make and motor number of vehicle.

(d) Such other index of registration as Registrar shall deem expedient.

Record in case of dealers.

4. In the case of dealers the record shall show the name of the applicant, his residence, and address by town and county, his business address, the distinctive number assigned him, and the name or names of new cars handled by him.

Bond of Registrar.

5. The Registrar of Motor Vehicles shall qualify by giving a bond of Fifty Thousand Dollars ($50,000), providing for the faithful performance of his duty. He shall be entitled to one (1) deputy at a salary not to exceed Three Thousand Dollars ($3,000) and two (2) civilian clerks at a salary not to exceed One Hundred Fifty Dollars ($150) per month, who shall be selected by said Registrar of Motor Vehicles, the salary of which deputy and the salaries of which clerks shall be fixed by the State Board of Examiners. The remaining clerical help shall be selected by the Registrar of Motor Vehicles from among the inmates of the State Penitentiary.

Help and salaries allowed.

Care of records, etc.

6. All office equipment, books, files and records belonging to the Motor Vehicle Department shall be in the care and general custody and control of the Registrar of Motor Vehicles at the State Penitentiary.

Prepare lists of certificates of registration and ownership.

7. The Registrar of Motor Vehicles shall, at the end of each month, prepare lists of certificates of registration and ownership issued for the current month, showing the number and kind of license issued, the name and address of owner and legal owner, the make of car and engine number. Such list shall be distributed to the Sheriffs and Treasurers of each county of the state and to Chiefs of Police of each incorporated city of the state by the Registrar of Motor Vehicles.

To whom distributed.

Records open to all.

8. All such records shall be open to inspection during all reasonable business hours and the Registrar of Motor Vehicles shall furnish any information from said records upon payment by the applicant of the cost of transcribing the information requested."

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Section 2. That Section 1758 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 1758. 1. **Certificates of Registration and Ownership.** Upon receiving from the County Treasurer of any county in the state an application for registration, duly executed in proper form, the Registrar of Motor Vehicles shall cause to be entered the information contained in said application upon the corresponding records in his office and shall furnish the applicant a certificate of registration. At the same time, he shall issue to any conditional sales vendor or other person holding legal title to the vehicle or to the mortgagee thereof, a certificate of ownership. For the purpose of this Act, a conditional sales vendor or other holder of legal title and the holder of a mortgage on any vehicle shall be defined as 'legal owner' thereof. A person having the lawful use or control or right to use or control of a vehicle, under lease or otherwise, for a period of thirty (30) or more successive days shall be defined as the 'owner' thereof. Both certificate of registration and certificate of ownership shall be issued to any applicant who is both the owner and legal owner as defined by this Act. Said certificates shall meet the following requirements:

Certificate of registration.

Certificate of ownership.

"Legal owner."

"Owner."

Where both.

(a) Both the certificate of registration and the certificate of ownership shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner and legal owner, a description of the registered vehicle, including the year built, and such other statement of facts as may be determined by the Registrar.

What certificates shall contain.

(b) The reverse side of the certificate of ownership only shall contain forms for notice to the Registrar of a transfer of the title or interest of the owner or legal owner and application for registration by the transferee.

2. **Renewal of Registration.**

(a) Every vehicle registration under this Act shall expire on December thirty-first of each year and shall be renewed annually upon application and payment of license fees and taxes, as provided in Sections 1959 and 1960, Revised Codes of Montana of 1921 and Acts amend-

Renewal of.

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atory thereto, such renewal to take effect on the first day of January of each year. The certificate of registration issued hereunder shall be valid during the registration year only for which issued, and the certificates of ownership shall remain valid until cancelled by the Registrar upon a transfer of any interest shown therein and need not be renewed annually. Upon annual renewal, whenever the legal owner of the vehicle is other than the registered owner, the Registrar shall immediately notify such legal owner by mail of the registration number assigned to such vehicle for the ensuing year.

Notice to legal owner on renewal.

Period without certificate allowed.

(b) The owner of a vehicle registered under the provisions of this Act shall be entitled to operate such vehicle between January first and February first without displaying the registration certificate of the current year, on condition that such owner shall, during said period, display upon such vehicle the number plates or plate assigned thereto for the previous year.

3. **Transfer of Title or Interest.**

How to make transfer.

(a) Upon a transfer of the title or interest of a legal owner or owner in or to a vehicle registered under the provisions of this Act as hereinbefore required, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of ownership issued for such vehicle, together with the address of the transferee, in the appropriate spaces provided upon the reverse of such certificate.

Send certificate to Registrar.

(b) Within ten (10) days thereafter, the transferee shall forward both the certificate of ownership so endorsed and the certificate of registration to the Registrar, who shall file the same upon receipt thereof.

Transfer to a dealer.

(c) The provisions of Subdivision (b) of this section, requiring a transferee to forward the certificate of ownership after endorsement and the certificate of registration to the Registrar, shall not apply in the event of the transfer of a vehicle to a dealer intending to resell such vehicle and who operates the same only for demonstration purposes, but every such transferee, shall upon transferring his interest or title to another, give notice of such transfer to the Registrar and endorse the

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certificate of ownership as herein provided and deliver the certificate of ownership to the new legal owner and the certificate of registration to the new owner.

Duty of Registrar in a transfer.

(d) The Registrar upon receipt of the certificate of ownership properly endorsed as required herein and the certificate of registration of such vehicle, shall register such vehicle as hereinbefore provided with reference to an original registration, and shall issue to the owner and legal owner entitled thereto, by reason of such transfer, a new certificate of registration and certificate of ownership respectively in the manner and form hereinbefore provided for original registration.

Effect of issuance of new certificates on title.

(e) Until said Registrar shall have issued said new certificate of registration and certificate of ownership as hereinbefore in Subdivision (d) provided, delivery of such vehicle shall be deemed not to have been made and title thereto shall be deemed not to have passed and said intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose.

How transferred when interest or title is transferred by operation of law.

(f) In the event of the transfer by operation of law of the title or interest of a legal owner or owner in and to a vehicle registered under the provisions of this Act, as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or otherwise than by the voluntary act of the person whose title or interest is so transferred, the Executor, Administrator, Receiver, Trustee, Sheriff or other representative or successor in interest of the person whose title or interest as so transferred shall forward to the Registrar of Motor Vehicles an application for registration in the form required for an original application for registration, together with a verified or certified statement of the transfer of such title or interest which statement shall set forth the reason for such involuntary transfer, the title or interest so transferred, the name or names of the person or persons whose title or interest is sought to be transferred, the name or names and addresses of the person or persons to whom such title or interest is to be transferred, the process or procedure effecting such transfer and such other information as may be requested by the Registrar and with such statement shall be furnished such evi-

What application is to contain.

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Duty of Registrar to complete transfer.

dence and instruments as may be otherwise required by law to effect a transfer of legal title to or an interest in chattels as may be required in such cases, and in the event the Registrar shall be satisfied that such transfer is regular and that all formalities as required by law have been complied with, he shall cause to be sent to

Notice.

the owner and legal owner notice of such intended transfer and thereafter, but not less than five (5) days thereafter, shall register such vehicle or effect the transfer of the registration thereof and shall issue a new certificate of registration and a new certificate of ownership to the person or persons entitled thereto. The notice herein required shall be deemed complied with by deposit in the post office in Deer Lodge, such notice, postage prepaid, addressed to such person or persons at their last known addresses.

When notice deemed complete.

Transfer without probate where no other property.

In the event of the death of an owner or legal owner of not more than one (1) motor vehicle, trailer or semi-trailer registered hereunder, and not exceeding the value of One Thousand Dollars ($1,000), without leaving other property necessitating the procuring of letters of administration or letters testamentary, then the surviving husband or wife or other heir, unless such property is by will otherwise bequeathed, may secure transfer of the registration of the title or interest of the deceased in and to such vehicle to the name of the surviving husband or wife or other heir, as above mentioned, upon filing

How made.

with the Registrar an affidavit of such person setting forth the fact of such survivorship and the names and addresses of any other heirs and such other facts as are hereby made necessary to entitle the affiant to a transfer, and thereupon the Registrar is authorized to make such transfer of the registration of such vehicle.

Does not affect assignment.

Nothing in the foregoing subdivision of this section shall prevent a legal owner from assigning his title or interest in or to a vehicle registered under the provisions of this Act to another legal owner without the consent of and without affecting the interest of the holder of the certificate of registration thereof. Upon filing with the Registrar of a certificate of ownership

How transferred.

endorsed by the legal owner and a transferee of legal ownership, the Registrar shall enter the name of the new legal owner upon the records of the department and shall issue a new certificate of ownership to the

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new legal owner and a new certificate of registration to the registered owner in the form hereinbefore provided for original registration.

Dealer's transfer.

(g) Every dealer, upon transferring any motor vehicle to any person other than a dealer shall immediately give written notice of such transfer to the Registrar upon the official form provided by the Registrar. Every such notice shall contain the date of transfer, the names and addresses of the transferor and transferee and such description of the vehicle as may be called for in such official form.

What notice shall contain.

4. Chattel Mortgages and Conditional Sales Contracts on Motor Vehicles.

Effect on chattel mortgage or conditional sales.

(a) No chattel mortgage or conditional sales contract on a motor vehicle shall be valid as against creditors or subsequent purchasers or encumbrancers until the mortgage or conditional sales vendor therein named is registered as the legal owner thereof as herein provided.

Excepted from other recording statutes.

(b) A chattel mortgage on a motor vehicle is hereby excepted from the provisions of Sections 8278 and 8280 inclusive of the Revised Codes of Montana of 1921, and a conditional sales contract on a motor vehicle is hereby excepted from the provisions of Sections 9594 and 9596 inclusive of the Revised Codes of Montana of 1921, insofar as they relate to the filing of chattel mortgages and conditional sales contracts except the duration of said liens shall be and remain as specified in Section 8279 of the Revised Codes of Montana of 1921.

Mortgagee legal owner when.

(c) Whenever a mortgagee in a chattel mortgage deposits with the Registrar of Motor Vehicles the original, or a copy of said mortgage accompanied by a certificate of a Notary certifying to the same as a true and correct copy of the original, the said mortgagee shall be registered as the legal owner under the provisions of this Act, or whenever a conditional sales vendor deposits with the Registrar a conditional sales contract or a copy thereof accompanied by a certificate of a Notary Public certifying to the same as a true and correct copy of the original, the said conditional sales vendor shall be registered as the legal owner under the provisions of this Act. Such registration and the depositing of said mortgage or

Conditional sales under legal owner when.

Constructive notice.

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conditional sales contract or a copy thereof shall be constructive notice of the said mortgage or contract and its contents to subsequent purchasers or encumbrancers.

Remedies on default.

(d) Upon default under a chattel mortgage covering a motor vehicle the mortgagee may foreclose his mortgage as in the case of other personal property, and upon default under a conditional sales contract covering a motor vehicle the vendor shall have the remedies prescribed by Section 7597 of the Revised Codes of Montana of 1921, upon delivery to the Sheriff of the original instrument or a copy certified by the Registrar of Motor Vehicles, and in case of attachment of motor vehicles, all the provisions of Section 8283 of the Revised Codes of Montana of 1921 shall be applicable except that deposits must be made with the Registrar of Motor Vehicles instead of the County Treasurer.

Penalty for failure to surrender certificate of ownership after final payment.

(e) In the event any conditional sales vendor or assignee or chattel mortgagee or assignee fails to surrender certificate of ownership to the owner of motor vehicle within twenty (20) days after receiving final payment on conditional sales contract or mortgage, he shall be required to pay said owner the sum of Ten Dollars ($10) and the further sum of One Dollar ($1) for each and every day thereafter that he fails to surrender said certificate of ownership.

Not necessary to refile documents filed.

(f) It shall not be necessary to refile with the Registrar of Motor Vehicles any instruments on file in the offices of the County Clerks and Recorders at the time this law takes effect.

Fee for original certificate of ownership.

5. **Fees for Original Certificate of Ownership and Transfer of Title.** A charge of One Dollar ($1) shall be made for issuance of original certificate of ownership, which shall be collected by the County Treasurer the first time any vehicle is registered by any owner and remitted to the Registrar of Motor Vehicles with application for registration. Upon a transfer of registration by the owner there shall be paid to the Registrar of Motor Vehicles a transfer fee of One Dollar ($1). A fee of Twenty-five Cents (25c) shall be paid for filing satisfactions of chattel mortgages or conditional sales contracts. A fee of Fifty Cents (50c) shall be paid the Registrar for filing chattel mortgages, conditional sales

Transfer fee.

Filing fees.

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contracts or assignments thereof and also for issuing certificate to copy of chattel mortgage or conditional sales contract. If any additional clerical help is necessary in order to handle the filing of chattel mortgages, conditional sales contracts and assignments as provided by this Act, the Registrar may employ such additional help subject to the approval of the State Board of Examiners, who shall fix the salaries of such clerks, and any such additional clerks shall be paid from the filing fees herein provided.

Filing Clerk may be employed subject to approval of State Board.

6. **Lost Certificates.** In the event any certificate of registration or ownership shall be lost, mutilated or become illegible, the person to whom the same shall have been issued shall immediately make application for and may obtain a duplicate thereof, upon furnishing satisfactory information to the Registrar of such facts and upon payment of a fee of Fifty Cents (50c).

Lost certificates.

Fee.

7. **Chauffeur's Badge.** If the applicant for registration be a chauffeur, the Registrar shall furnish him a badge suitable in size and shape for regular wear and license certificate numbered to correspond with the serial number assigned him."

Chauffeur's badge.

Section 3. That Sections 2, 3, 4, 5, 6, 7, 8 and 9 of Chapter 113 of the Session Laws of 1925 and all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect on and after January 1, 1934.

Approved March 16, 1933.

CHAPTER 160

An Act Authorizing Boards of Trustees of School Districts to Issue Warrants for the Maintenance of the Schools of the Districts During the School Year Ending June 30, 1933, in Excess of the Amount of Taxes Levied by Such School Districts and in Excess of the Available Funds Which Will Accrue to Such School Districts During Such School Year; Validating All Warrants Issued by School Districts, Whether Issued

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in Excess of the Amount of Taxes Levied or Otherwise, and Outstanding and Unpaid at the Close of the School Year Ending June 30, 1933; and Authorizing Boards of Trustees of School Districts to Levy Special Taxes for the Payment of All Warrants Outstanding and Unpaid at the Close of the School Year Ending June 30, 1933, or to Issue Funding Bonds and Fund the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Board empowered to issue warrants in excess of taxes levied or funds available.

Section 1. The Board of Trustees of every school district, for the purpose of maintaining the schools of the district during the school year ending June 30, 1933, is hereby authorized to issue warrants in excess of the amount of taxes levied for such district and in excess of the available funds which will accrue to the school district from other sources during such year, for such purpose, provided that no such warrants shall be issued in excess of the budget appropriations contained in the approved budget of the school district for such school year.

Validating outstanding warrants as of June 30, 1933.

Section 2. All warrants issued by any school district, whether issued in excess of taxes levied, or otherwise, and outstanding and unpaid at the close of the school year ending June 30, 1933, are hereby validated and declared to be lawful, valid and subsisting warrants of the school district; provided that the total amount of such outstanding warrants together with the total amount of all bonds issued by such school district and outstanding and unpaid on June 30, 1933, shall not exceed the limit of indebtedness of school districts as prescribed in Section 6 of Article 13 of the Constitution of the State of Montana.

Not to exceed Constitutional limitation.

Means of paying these warrants.

Section 3. The Board of Trustees of any school district having, at the close of the school year ending June 30, 1933, lawful, valid and subsisting warrants outstanding and unpaid, and being without sufficient money with which to pay the same and leave a balance on hand sufficient to maintain the schools of the district for the period from July 1st to December 1st, 1933, may provide for the payment of such warrants, or so much thereof as may be in excess of the money available for the payment thereof, by one of the two following methods:

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1. By filing with the Board of County Commissioners, not later than the second Monday in July, 1933, written request that such Board of County Commissioners levy a special tax or taxes during the fiscal year commencing July 1, 1933, against the taxable property in the school district, in an amount sufficient to pay the full amount of such warrants, with the interest thereon, during such fiscal year, or to levy such special tax or taxes, in an amount sufficient to pay at least forty per centum (40%) of the amount of such warrants, with the interest thereon during the fiscal year beginning July 1, 1933, and to pay the whole amount of such warrants, with the interest thereon, before the first day of July, 1936. The proceeds of every such special tax levy shall be deposited by the County Treasurer in a special fund to be designated "School District No. ..... Debt Reduction Fund", and shall not be used for any purpose whatever except for the payment of the lawful and valid warrants of such district issued prior to and outstanding and unpaid on July 1, 1933, and the interest thereon; provided, that after all of such warrants, and the interest thereon, have been fully paid, any amount remaining in such special fund, or afterwards coming into the same from protested or delinquent taxes, may be transferred to the general fund of such school district.

Special tax.

Pay up by July, 1936.

Debt reduction fund.

2. By funding such warrants by issuing funding bonds and selling the same and using the proceeds of such sale to take up, redeem and retire such warrants, provided, however, that such bonds may be issued and sold without the Board of Trustees of the school district being required to submit the question of issuing such bonds at an election; provided further, that the total outstanding indebtedness of the school district, including such bonds, must not exceed, in the aggregate, the limit of indebtedness permitted school districts under Section 6 of Article 13 of the Constitution of the State of Montana. Except as herein otherwise provided all of the provisions of Chapter 147 Session Laws 1927, as amended, so far as applicable, shall apply to and govern and control the issuance and sale of such bonds, the levying of taxes for the payment of the principal and interest thereof, and the payment and redemption thereof.

Funding bonds.

No election necessary.

Section 4. The Board of Trustees of any such school district which will have such lawful and valid warrants

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issued, outstanding and unpaid on the first day of July 1933, must immediately prior to or at the time of preparing the preliminary budget for the school district for the fiscal year beginning July 1, 1933, determine, and by resolution entered in its minutes, adopt the method to be followed in paying, redeeming and retiring such warrants, and shall, in such preliminary budget, and in the final budget for such fiscal year, make proper provision for the payment of such warrants, and interest thereon, in accordance with the method adopted by said Board of Trustees.

Must determine by resolution which plan will be used.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect on and after its passage and approval.

Approved March 16, 1933.

CHAPTER 161

An Act to Amend Sections 2089 and 2090 of the Revised Codes of Montana of 1921 Relating to the Statement of Gross Yield of Mines and Net Proceeds, the Computation and Taxation Thereof; as Amended by Chapter 191 of the Nineteenth Session, Chapters 139 and 140 of the Twentieth Session, and Chapter 133 of the Twenty-second Session, of the Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2089 of the Revised Codes of Montana, 1921, as amended by Chapter 191 Acts of the Nineteenth Legislative Assembly, Chapter 139 and 140 Acts of the Twentieth Legislative Assembly, and Chapter 133 Acts of the Twenty-second Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

When statement of gross yield of mine shall be made.

"Section 2089. **Statement of Gross Yield of Mines.** Every person, partnership, corporation, or association engaged in mining upon any quartz vein or lode, or placer mining claim or mining from or upon any mine

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whatsoever containing gold, silver, copper, lead, petroleum, hydro-carbons, or other valuable mineral or mineral deposits, must on or before the first Monday in March in each year, make and deliver to the State Board of Equalization a statement of the gross yield of the above named metals or minerals from each mine owned or worked by such person, partnership, corporation or association during the year preceding the first day of January of the year in which such statement is made, and the value thereof, and such statement shall be in the form prescribed by the State Board of Equalization and must be verified by the oath of such person or the manager, superintendent, agent, president, or vice-president of such corporation, association or partnership and must be delivered to the State Board of Equalization on or before the first Monday of March; provided, that if such statement of gross returns shall not have been furnished by this date, the Board of Equalization shall make an immediate assessment of said gross returns from the best information at the Board's disposal. Such statement shall show the following:

Verification.

What to contain.

1. The name and address of the owner or lessee or operator of the mine, together with the names and addresses of any and all persons, corporations or associations owning or claiming any royalty interest in the mineral product of such mine or the proceeds derived from the sale thereof, together with the amount of such interest so owned or claimed on the first Monday of March of the year in which said statement is made, and the amount or amounts paid or yielded as royalty upon such royalty interest or interests during the preceding calendar year;

Parties claiming interests in mine.

2. The description and location of the mine;

Location.

3. The number of tons of ore, barrels of petroleum or other mineral products or deposits extracted and treated or sold from the mine during the period covered by the statement;

Amount of product sold.

4. The amount and character of such ores, mineral products or deposits, and the yield of such ores, mineral products or deposits from such mine in constituents of commercial value, that is to say, the number of ounces of gold, or silver, pounds of copper or lead, tons of coal,

Amount and character of such products yielded.

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barrels of petroleum or other crude or mineral oil, or other commercially valuable constituents of said ores or mineral products or deposits measured by standard units of measurement, yielded to such person, corporation or association so engaged in mining, and to said royalty holders and each of them, if any, during the period covered by the statement;

5. The gross yield or value in dollars and cents;

6. Actual cost of extracting same from mine;

7. Actual cost of transporting to place of reduction or sale;

8. Actual cost of reduction or sale;

9. Actual cost of marketing the product and conversion of same into money;

10. Cost of construction, repairs and betterments of mines, and cost of repairs and replacements of reduction works;

11. The assessed valuation of reduction works for the calendar year for which such return is made;

12. Actual cost of fire insurance and workmen's compensation insurance;

13. The amount of all taxes paid on the mine or mining claim.

Immediately upon receipt of the list of schedule setting forth the names and addresses of the owner or lessee or operator of such mine and any and all persons, partnership, corporation and association owning or claiming any royalty or interest, and the amounts of such interest or interests, and the amount of production and returns yielded to such person, partnership, corporation or association so engaged in mining, or yielded or paid as royalty to such royalty owners or claimants during the year for which said return is made, the State Board of Equalization shall proceed to the assessment of all such production, returns and royalties and royalty interests, and shall assess the same at the full cash value of the money or product yielded during such preceding calendar year, and the same shall be taxed on the same basis as net proceeds of mines are taxed as provided by Section 1999 of the Revised Codes of Montana of 1921.

How to be assessed.

How taxed.

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Board to certify list to County Clerk.

On or before the 15th day of May of the year such return is made, the State Board of Equalization shall certify such list or schedule to the County Clerk of each county in which such mines and mining claims are located, and thereupon such production, returns and royalties so assessed shall be taxed in the manner provided by law.

Rate of taxation.

The rate of taxation shall be the same as that fixed and levied against other property in and for the year in which such royalty was paid or yielded.

Manner of preparing tax roll and means of collecting.

Upon receipt of such certified lists or schedules from the State Board of Equalization, the County Clerk shall prepare therefrom a tax roll thereof which shall be by him furnished to the County Treasurer of such county on or before the 15th day of June following, and thereupon said taxes shall be due and payable. The County Clerk shall enter such assessment on the personal property assessment list under the name of the operator of such mine or mines and in the assessment list the names of the owners of such royalty shall be set forth and such assessment when entered shall have all the force and effect as if made in the names of the owners of such royalty individually as well as against the operator. The County Treasurer shall proceed to give full notice thereof to such operator and to collect the same in manner provided by law, and shall employ any or all means of collecting provided in Section 2095 of the Revised Codes of Montana as amended by Chapter 143 Acts of the Nineteenth Legislative Assembly, and may include any or all of such taxes in any seizure and sale of personal property that may be due from any such operator.

The operator or producer shall be liable for the payment of the taxes assessed against the net proceeds of such mine or mines, including all royalty taxes, and such taxes shall be payable by and shall be collected from such operators in the same manner and under the same penalties as provided for the collection of taxes upon the net proceeds of mines; provided, however, that after payment of such tax such operator may recover or withhold from any proceeds of royalty interest, either in kind or money, coming into his hands, the amount of any tax paid by him upon such royalty or royalty interest."

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Section 2. That Section 2090 of the Revised Codes of Montana of 1921, as amended by Chapter 191 Acts of the Nineteenth Legislative Assembly, Chapters 139 and 140 Acts of the Twentieth Legislative Assembly, and Chapter 133 of the Twenty-second Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

"Section 2090. **Net Proceeds—How Computed.** The State Board of Equalization shall calculate and compute from said returns the gross product yielded from such mine, and its gross value in dollars and cents for the year preceding the first day of January, and also shall calculate and compute the net proceeds in dollars and cents of said mine yielded to such person, corporation or association so engaged in mining, which said net proceeds shall be ascertained and determined by subtracting from the value in dollars and cents of the gross product thereof the following, to-wit:

Net proceeds, how computed.

Deductions.

Royalties.

1. All royalty paid or apportioned in cash or in kind by the person, corporation or association so engaged in mining.

Expense for labor, machinery, etc.

2. All moneys expended for necessary labor, machinery and supplies needed and used in the mining operations and developments.

Improvement and repairs.

3. All moneys expended for improvement, repairs and betterments necessary in and about the working of the mine.

4. All moneys expended for costs of repairs and replacements of the milling and reduction works used in connection with the mine.

Depreciation.

5. Depreciation in the sum of six per cent (6%) of the assessed valuation of such milling and reduction works for the calendar year for which such return is made.

Transportation and marketing expense.

6. All moneys expended for transporting the ores, and mineral products or deposits from the mines to the mill or reduction works or to the place of sale, and for extracting the metals and minerals therefrom, and for marketing the product and the conversion of the same into money.

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7. All moneys expended for fire insurance and workmen's compensation insurance.

Fire insurance and workmen's compensation.

8. All moneys expended in payment of taxes on the mine or mining claim.

Taxes.

No moneys invested in the mines and improvements during any year, except the year for which such statement is made, shall be included in such expenditures; and such expenditures shall not include the salaries, or any portion thereof, of any person or officer not actually engaged in the working of the mine or superintending the management thereof.

Expenses not allowable.

Provided, further, that if any such report contains any wilfully false or fraudulent statements as to the gross amount received by any person, corporation or association so engaged in mining as aforesaid, for any mine's product, then the said State Board of Equalization shall compute the gross value of such mine's product, and such gross value shall be based upon the average quotations of the price of such mine's product in New York City, or the relative market value at the point of delivery, as evidenced by some established authority or market report, such as the Engineering and Mining Journal-Press, of New York City, or some other standard publication, giving the market reports for the year covered by the statement; and, provided further, that if any such person, corporation, or association has sold or otherwise disposed of any of its mine's product at a price substantially below the true market price of such product at the time and place of such sale or disposal, then the State Board of Equalization shall compute the gross value of such portion of said mine's product, so sold or disposed of substantially below the market price as aforesaid, which gross value shall be based upon the quotations of the price of such mine's product in New York City, or the relative market value at the point of delivery at the time such portion of the product was so sold or otherwise disposed of, as evidenced by some established authority or market report, such as the Engineering and Mining Journal-Press, of New York City, or some other standard publication, giving the market reports for the year covered by such statement. Should there be no quotation covering any particular product, then the State Board of Equalization shall fix the value of each gross

Action permitted where report is false or fraudulent.

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product, or such portion thereof as shall have been sold or otherwise disposed of at a price substantially below the true market price at the time and place of such sale or disposal in such a manner as may seem to be equitable."

Where royalty is paid in kind instead of money.

Section 3. Any royalty owner or holder who, during the calendar year preceding the making of such list or schedules, shall have received all or part of his royalty in kind instead of money, may, on or before the first day of April in any year, file with the State Board of Equalization an affidavit setting forth the amount of storage charges paid by him during the preceding calendar year upon such product so yielded to him as royalty, and upon receipt of such affidavit, the State Board of Equalization shall deduct such amount so paid as storage charges from the amount of the full cash value of each royalty or interests so owned or held by such royalty owner or holder, and such royalty interest or interests shall thereupon be assessed upon the net amount thus obtained, and all royalty interest shall be subject to a deduction to be made by the State Board of Equalization for depletion in accordance with the rules and regulations of the Federal Government with reference to depletion for income tax purposes.

Storage charge may be deducted.

Tax constitutes a lien.

Section 4. The tax so assessed on net proceeds shall be and shall constitute a lien upon all of the right, title and interest of such operator in or to such mine or mining claim and upon all of the right, title and interest in or to the machinery, buildings, tools and equipment used in operating said mine or mining claim.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect on and after its passage and approval and shall govern the assessment and taxation of net proceeds of mine and mining claims yielded in the year 1932 and thereafter.

Approved March 16, 1933.

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CHAPTER 162

An Act to Amend Section 1012 of the Revised Codes of Montana of 1921, Relating to the Authority of School Districts to Issue Warrants Before School Moneys Are Collected; and Making Valid and Legal All Warrants Heretofore Issued in Conformity Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1012 of the Revised Codes of Montana of 1921 be, and the same is hereby amended to read as follows:

"Section 1012. **Issuance of Warrants Against Anticipated Revenues.** The Board of Trustees of any school district, shall have authority to issue warrants in anticipation of the collection of school moneys for which levies have been made, but which have not been collected, for the payment of current expenses of the schools of said district;

Permitting issuance of warrants against anticipated revenues.

Provided, however, that the total of all such warrants issued during any fiscal year shall not exceed an amount aggregating the following: the cash on hand at the beginning of such fiscal year, ninety (90) per cent of the amount of all taxes levied by such school district for the purpose of providing revenues for current expenses for such fiscal year, plus all revenues actually received from all other sources for use during such fiscal year, and all warrants heretofore issued within the limits herein prescribed are hereby declared to be the valid and subsisting obligations of the school districts issuing the same;

Limitation.

Provided further, that until receipt of such revenues other than revenues from tax levies, the issuance of warrants shall be based upon the amounts of such revenues received during the previous fiscal year."

Based on amount of revenue received in previous fiscal year.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

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CHAPTER 163

An Act Relative to the Payment of Bonded Indebtedness of School Districts Upon the Creation of a New District.

Be it enacted by the Legislative Assembly of the State of Montana:

Old district shall pay its book indebtedness even after consolidation.

Section 1. When a new school district shall be formed as provided in Section 1024 of the Revised Codes of Montana of 1921, as amended by Chapter 128 of the Session Laws of the Twentieth Legislative Assembly of Montana, and Sections 1033 and 1034 of the Revised Codes of Montana of 1921, the bonded indebtedness of any school district or portion of school district affected by such consolidation or change of boundaries, shall remain the indebtedness against the original territory against which such bonds were issued and shall be paid for out of levies made against said original territory.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 164

An Act Defining, Licensing and Regulating Dealers at Wholesale as Herein Defined; Defining the Words "Produce", "Person", and "Commissioner"; Outlining the Procedure to Obtain a License; Providing for the Date of Expiration of Licenses, the Amount, and the Posting Thereof; Fixing the Amount of Bonds and Defining the Conditions Thereof; Providing for Filing of Commission Schedules, the Keeping of Records and the Report to Shippers by Dealers; Providing for Appeals from Actions of the Commissioner and How Appeals May be Taken; Providing for Handling Money Received from License Fees; Imposing Certain Duties

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and Conferring Certain Powers Upon the Commissioner of Agriculture and Prescribing Penalties for Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Who is a dealer at wholesale.

Section 1. For the purpose of this Act any person who shall buy to sell at wholesale, or contract to buy to sell at wholesale, or who shall handle at wholesale for the purpose of resale, or who shall handle at wholesale on account of, or as agent for another, any produce as herein defined; shall be deemed a dealer at wholesale. Provided, that a trucker operating for hire under an M. R. C. license and not buying or selling any produce as herein defined, shall not come under the provisions of this Act. Provided further, that the provisions of this Act shall not apply to dealers at retail.

Wholesaler must obtain license.

Section 2. No person shall engage in, or purport to be engaged in, or hold himself out as being engaged in the business of a dealer at wholesale, or as being a dealer at wholesale, as defined in this Act, unless he shall be licensed to carry on such business by the Commissioner. Provided, that the provisions of this Act shall not apply to a farmer or gardener selling his own products but who shall whenever called upon to do so by an inspector furnish a sworn statement that the goods handled by him were actually grown by him.

Not apply to a farmer.

Definitions.

"Produce."

Section 3. a. The term "produce" as used in this Act shall mean and include the natural products of the farm, and natural products of the orchard, vineyard, garden and apiary, raw and manufactured; (except grains, dairy products, livestock, poultry and poultry products), when handled for the purpose of resale.

"Person."

b. The term "person" shall mean an individual, or group of persons, exchange, firm, copartnership, corporation or association.

"Commissioner."

c. The term "Commissioner" shall mean the Commissioner of Agriculture of the State of Montana.

When license shall be issued.

Section 4. Licenses to engage in the business of a dealer at wholesale within the State of Montana shall be issued by the Commissioner to such reputable persons as shall apply therefor, pay the prescribed fee and comply with the conditions herein specified, to-wit:

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Application.

Contents.

a. The application shall be in writing, accompanied by the prescribed fee, and under oath and shall set forth the place where the applicant intends to carry on the business for which the license is desired, and a separate license shall be required for each place of business; the estimated amount of business to be done monthly; the full names of the persons constituting the firm, in case the applicant is a co-partnership; the names of the officers of the corporation and where incorporated, if a corporation; and a financial statement showing the value and character in a general way of the assets and the amount of liabilities of the applicant.

Bond required.

Contents of bond.

b. Before issuing any license as provided by this Act, the Commissioner shall require the applicant to execute and file with him a good and sufficient surety bond in the sum of Five Thousand Dollars ($5000.00) to the State of Montana, executed by the applicant as principal and a surety company qualified and authorized to do business in this state, as surety; the form thereof to be fixed by the Commissioner, conditioned for the faithful performance of his duties as a dealer at wholesale, for the observance of all laws relating to the carrying on of the business of a dealer at wholesale, for the payment, when due, of the purchase price of produce purchased by him, for the prompt reporting of sales as required by law to all persons consigning produce to the dealer as licensee for sale on commission and the prompt payment to persons entitled thereto of the proceeds of such sales less lawful charges, disbursements and commission. Such bond shall cover all wholesale produce business transacted in whole or in part within the State of Montana.

Date of expiration of license.

License fee.

c. All licenses shall expire December thirty-first of each year; the license, or a certified copy thereof, shall be kept posted in the office of the licensee at each place within the state where he transacts business; the fee for each license shall be One Hundred Dollars ($100.00) and for each certified copy thereof One Dollar ($1.00).

Schedule of commissions and charges required.

d. The applicant shall file with the Commissioner a schedule of his commissions and charges for services in connection with produce handling on account of or as agent for another.

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Power to investigate.

Section 5. The Commissioner shall examine such application and cause an investigation to be made of said applicant and his business, business rating, character and reputation. If, from such examination and investigation the Commissioner shall determine that the said applicant is in the matter of his business, business rating, character and reputation not properly qualified to engage in business as a dealer, he shall refuse to grant a license and shall deny the application, and notify the applicant in writing of his decision. Any applicant whose application is denied by the Commissioner may within ten (10) days after the mailing of said notice of rejection, petition said Commissioner for a hearing and thereupon said Commissioner shall afford applicant an opportunity for a hearing on a date not less than ten (10) nor more than twenty (20) days after the receipt of said petition. Any and all persons who may have objected to the licensing of applicant shall be given at least ten (10) days' notice of said hearing by mail. Said hearing shall be informal and the Commissioner shall hear any and all evidence which may be offered or adduced either for or against said applicant, in the matter of his business, business rating, character and reputation. After hearing all such evidence, the Commissioner shall make his findings of fact on which he may again deny the said application or grant the same as he finds the facts to be, and the said findings of fact made by the Commissioner shall be conclusive, subject however, to the right of appeal as hereinafter provided.

May refuse license.

Hearing on refusal to grant.

Findings on hearing and result.

Record necessary.

Section 6. Every dealer in produce shall make and keep a full and complete record of all produce handled by him covering the following facts:

Contents of record.

a. The name and address of the producer or shipper.

b. The date of receipt of each consignment.

c. The kind and quantity of produce received.

d. The agreed purchase price or commission charged.

e. Date of sale.

f. Price at which sold.

g. The name of the person, firm or corporation to whom sold.

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h. An itemized statement of charges to be paid by the producer in connection with the sale.

i. The above information and record shall be open for confidential inspection of the Commissioner or his deputies.

Duty of dealer to inspect and make written report of produce received.

Section 7. Whenever any dealer at wholesale, to whom produce has been shipped, or consigned for sale on a commission basis, or on consignment or under any circumstances wherein the title to said produce remains with the shipper, has received the same, he shall within a reasonable time thereafter, make a written report to the shipper, which report shall include the exact time of arrival; the quantity and quality of the produce; and in the event such produce is received in a decayed or damaged condition noticeable upon arrival, the dealer shall have the common carrier or Horticultural Inspector of the State of Montana make proper record certifying such condition; and the dealer shall notify the consignor promptly so that the consignor can take further action to verify the report.

Authority of Commissioner to investigate records and premises.

Section 8. For the purpose of enforcing the provisions of this Act, the Commissioner upon his own motion may, or upon verified complaint against any dealer or any person, firm, exchange, association, or corporation assuming or attempting to act as such, shall have full authority to, and must make any and all investigations he deems necessary, and he shall have at all times free and unimpeded access to all buildings, yards, warehouses, storage and transportation or any other facilities or places in which any produce is kept, stored, handled or transported. If the Commissioner, upon investigation, shall have reason to believe that any dealer is not acting in accordance with the provisions of this Act, or upon the filing of a verified complaint against any dealer, it shall be the duty of the Commissioner to have personal service made on said dealer or to mail by registered mail a complaint, or a copy of the verified complaint against said dealer, and in the event dealer fails to make informal adjustment or settlement of the charges set forth therein, to the satisfaction of the Commissioner, the Commissioner shall give notice of the time and place of a formal hearing thereon. Notice of any hearing shall be given at least twenty (20) days prior

Duty of Commissioner to file complaint for a violation.

Notice of hearing.

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thereto and said hearing shall be held in the city or town in which the transaction complained of is alleged to have occurred.

Authority to receive records and witnesses.

He shall have full authority to administer oaths and take testimony hereunder, to issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders of subpoenas of said Commissioner shall be guilty of contempt and shall be certified to any District Court of the state, which Court shall punish any such contempt. Copies of records, inspection certificates, certified reports and all papers on file in the office of the Commissioner shall be prima facie evidence of the matters therein contained.

Prima facie evidence.

Hearing.

At the time and place appointed for such hearing, the Commissioner shall hear all parties and their evidence and thereupon the Commissioner shall dismiss the charges, or suspend the license of said dealer for a specified period, or revoke the same, or make such other appropriate order as may be deemed just and proper; any order shall specify the effective date thereof and any order other than the one suspending or revoking a license shall automatically suspend such license until such order is complied with.

Complete record of proceedings shall be made.

Section 9. The Commissioner shall keep a full and complete record of all proceedings and hearings had before the Commissioner of any formal hearing, and all testimony produced before the Commissioner shall be taken down by a stenographic reporter appointed by the Commissioner, and the party shall be entitled to be heard in person or by attorney. In case of an action to review any order or decision of the Commissioner a transcript of such testimony together with all exhibits and of the pleadings, records, and proceedings in the cause shall constitute the record.

Appeal to District Court.

Section 10. Any action of the State Commissioner of Agriculture with reference to the granting of, or the refusal to grant, or to renew any license, or with reference to the revocation or suspension of any license granted

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under the provisions of this Act, be reviewed upon appeal to any District Court of the State of Montana, but pending final determination of any such review, in the case of the revocation of or refusal to renew the license of any produce dealer, such license shall be deemed in full force and effect until the final determination of such proceedings; provided, that no license shall be refused during the time or on account of the pendency of any review proceedings.

License in effect during review.

Time for appeal.

Section 11. Within thirty (30) days after the rendition of the decision by the Commissioner and within twenty (20) days after notice thereof any party affected thereby may appeal to the District Court of the Judicial District of the State of Montana, in and for the county in said state wherein said transaction occurred or the dealer may have his place of residence, or if such dealer be a corporation may have its principal office or place of business, and said appeal shall be for the purpose of having the lawfulness of the original order or decision of the Commissioner inquired into and determined.

Notice on appeal.

Section 12. Said appeal shall be taken by serving a written notice of said appeal on the Commissioner, which said service shall be made by the delivery of a copy of such notice to said Commissioner and filing the original with the Clerk of the Court to which said appeal is taken. A copy of such notice must also be served upon the adversary party, if there be any, by mailing the same to said adversary party to such address of said party. The order of filing and serving of said notice is immaterial.

Duty of Commissioner to certify records of proceedings to Clerk of Court.

Immediately upon service upon said Commissioner of said notice the said Commissioner shall certify to said District Court the entire record of proceedings including all testimony and evidence taken by said Commissioner, with the Clerk of said District Court. Upon said appeal said District Court shall act as a Court of Review.

Power to make regulations.

Section 13. The Commissioner shall have power and it shall be his duty from time to time to make and publish uniform rules and regulations not inconsistent with the law for carrying out and enforcing the provisions of this Act.

Cooperate with similar agencies.

Section 14. The Commissioner shall cooperate with the United States Department of Agriculture and with

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other Federal authorities, and with the state and municipal authorities of this and other states, and do and perform such other acts and things as may be necessary and proper in carrying out the purposes of this Act.

Disposition of license fees.

Section 15. All sums received by the Commissioner for license fees under the provisions of this Act shall be paid into the state treasury and deposited in the special fund known as the "Revolving Fund of the Division of Horticulture" to be expended by the chief of said division upon approval of the Treasurer of the State of Montana, and all moneys so deposited shall be held subject to the uses of the Chief of the Division of Horticulture for the purpose of carrying out the provisions of this Act.

Saving clause.

Section 16. If any section, subsection, subdivision, sentence, clause, paragraph or phrase of this Act is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Act, so long as sufficient remains of the Act to render the same operative and reasonably effective for carrying out the main purpose and intention of the Legislature in enacting the same, as such purpose and intention may be disclosed by this Act.

Repealing clause.

Section 17. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Penalty for violation.

Section 18. Any person who shall violate any of the provisions of this Act, or who shall fail to comply with the regulations prescribed in this Act, or who shall fail or neglect to obey any lawful order of the State Department of Agriculture, or the Commissioner, or any other officer thereof made pursuant to the authority of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25.00) and not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not to exceed six (6) months, or both such fine and imprisonment.

Section 19. In that an emergency exists, which emergency is hereby declared, this Act shall take effect upon its passage and approval.

Approved March 16, 1933.

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CHAPTER 165

An Act to Regulate the Sale of and to Fix Standard Grades for Farm Products; to Provide for Inspection, Branding and Labeling Thereof; Defining Certain Terms; Conferring Certain Powers Upon the Commissioner of Agriculture; and Fixing Certain Penalties for the Violation Thereof, and Declaring an Emergency.

Be it enacted by the Legislative Assembly of the State of Montana:

Standard grades for Montana farm products.

Section 1. The standard grades for Montana farm products shall be limited to the United States grades covering the same products and shall conform in all respects and be identical with the latest standards established by the United States Secretary of Agriculture for the various commodities, and thus conforming shall be accepted as the legal standards for the State of Montana.

Definitions.

Section 2. The following terms, whenever used in this Act, or in rules and regulations later promulgated by the Commissioner of Agriculture, shall have the meaning as indicated:

"Commissioner."

(a) "Commissioner" shall mean the Commissioner of Agriculture of the Montana Department of Agriculture.

"Farm products."

(b) The term "Farm Products" shall mean all products of the farm intended for table use and also to include beans; but shall not include livestock and its by-products; poultry and its products; apiary products; dairy products; grain and apples.

"Container" or "package."

(c) "Container" or "Package" shall mean cloth or fibre sacks, barrel, box, crate, carton, hamper or baskets, such as are customarily used for the shipment of farm products.

"Person."

(d) "Person" as used herein shall mean any grower, dealer, shipper, society, association, organization, corporation or their agents or representatives.

When Commissioner shall establish grade.

Section 3. (a) The Commissioner of Agriculture shall at once establish in the manner provided by this Act, United States standard grades on strawberries, potatoes, onion, head lettuce, cabbages, beans and shall thereafter, as soon as any agricultural product shall have reached

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a volume rendering it of market importance, establish United States grades on same.

Notice required.

(b) The Commissioner of Agriculture shall establish grades by proclamation, giving thirty (30) days' notice of such action, and shall publish such proclamation two (2) times in at least three (3) papers of general circulation within the state.

Unlawful if not graded.

Section 4. (a) It shall be unlawful for any person, firm, association, organization, corporation or their agents or representatives or assistant of any person, firm, association, organization or corporation to pack for sale, expose for sale, or sell, transport, deliver or consign, or have in possession for sale, transport, delivery or consignment in interstate or intrastate commerce, farm products prepared for market which are not graded and branded to meet the requirements of the grade declared. The grade declared shall conform to the provisions of this Act.

May be sold if graded as "culls" or "unclassified."

(b) Provided that farm products not conforming to established grades may be sold if labelled, tagged or branded in the same manner as graded products, except that in place of specifying the grade, the word "culls" or "unclassified" shall be used.

(c) Provided that all products branded "unclassified" must contain at least fifty per cent (50%) of products which would grade United States No. 2, or better.

"For seed purposes."

(d) Provided further that farm products for seed purposes may be sold when graded under rules approved by the Commissioner of Agriculture and plainly labelled, tagged or branded "For Seed Purposes."

First class commercial grade potatoes.

(e) Provided further that potatoes graded over a two (2) inch screen and grading seventy-five per cent (75%) United States No. 1 and twenty-five per cent (25%) United States No. 2 may be classified and sold as First Class Commercial grade.

Unlawful to sell or transport unless labeled, tagged or branded.

Section 5. (a) It shall be unlawful for any person, firm, association, organization or corporation, or agent, representative or assistant to any person, firm, association, organization or corporation, to expose for sale, or

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sell, transport, deliver or consign, or have in possession farm products prepared for market unless each container has been legibly and conspicuously tagged, branded, labelled or stenciled before being moved from the premises of the person or persons responsible for the grading and packing, and the name of the grade, together with the true net contents expressed in weight.

Use of tags.

(b) When tags are used, United States No. 1 grade shall be declared on a white tag, and United States No. 2 grade shall be declared on a red tag. Bulk shipments shall be accompanied by two (2) cards not less than four by six inches (4″ x 6″) in size, placed on the inside of the car near each door. Likewise cards in size herein described shall be prominently placed on all bulk shipments made by truck or other conveyance. Upon each card shall appear the name and address of the consignor, the name of the grade, the name of the loading station, the date of loading and the name and address of the consignee, if known. It shall be conclusive evidence that the farm products are deemed for sale when the containers are packed for delivery or transit, or when same are exposed for sale, or when same are in process of delivery or transit, or located at a depot, station, boat dock, or any place where farm products, or other products are held for storage, or for immediate or future sale or transit.

Inspection allowed.

Section 6. Farm products held in storage or in transit which at the time of inspection show deterioration or decay, but otherwise up to the grade, shall be inspected as to condition and not as to grade.

Commissioner charged with enforcement.

Section 7. The Commissioner of Agriculture is hereby charged with the enforcement of this Act and is given power unto himself and to his duly appointed representatives to enter into and upon the premises where farm products are graded or packed or stored, to inspect the same as to grade, pack and condition.

Power to make rules.

Section 8. The Commissioner of Agriculture may promulgate rules and regulations deemed necessary to the proper enforcement of the provisions of this Act.

Intent and purpose.

Section 9. The intent and purpose of this Act is to regulate the sale of farm products for table use intended for interstate or intrastate commerce when such is made

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by the grower, dealer or distributor, or any other person either by wholesale or retail or in any other manner; provided, however, that the provisions of this Act shall not apply to the grower in the sale of the farm products grown by himself or to small retail packages.

Section 10. Whoever violates this Act by not grading farm products as herein required, or by not tagging or branding containers as herein required, or by removing or altering any tag or brands placed upon or attached to any containers as in this Act required, unless ordered to do so by the Commissioner of Agriculture, or his duly appointed representative or representatives, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Ten Dollars ($10.00), nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail not less than thirty (30) days nor more than three (3) months, or by both such fine and imprisonment in accordance with the discretion of the Court. Penalty for violation.

Section 11. If any section, subsection, subdivision, sentence, clause, paragraph or phrase of this Act is for any reason held to be unconstitutional or void, such decision shall not effect the validity of the remaining portions of this Act, so long as sufficient remains of this Act to render the same operative and reasonably effective for carrying out the main purpose and intention of the Legislature in enacting the same, as such purpose and intention may be disclosed by this Act. Saving clause.

Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 13. This Act shall be in full force and effect upon its passage and approval, for the reason that an emergency exists, which emergency is hereby declared.

Approved March 16, 1933.

CHAPTER 166

An Act to Amend Sections 2296, 2297 and 2303, and to Repeal Section 2298, Montana Revised Codes of 1921; to Provide a License Tax Upon Corporations Organized Under the Laws of the State of Montana, or Or-

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ganized Under the Laws of Any Other State and Doing Business Within This State; Providing a Method of Arriving at Net Income, Allowing Certain Deductions and Exempting Certain Corporations from Said Tax; to Provide for Allocation of Income to Montana of Business Done by Corporations Both Within and Without the State; to Provide for the Necessary Enforcement and Collection of Said Tax, and Penalties for Failure to Comply Herewith, and Granting Powers to the State Board of Equalization to Make Rules and Regulations Relative Thereto, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2296 of the Montana Revised Codes of 1921 be and the same is hereby amended to read as follows:

Definition of corporation.

"Section 2296. The term corporation includes associations, joint stock companies, common law trusts and business trusts which do business in an organized capacity whether created under and pursuant to state laws, agreements, declarations of trust. Every corporation, except as hereinafter provided, organized and existing under the laws of the State of Montana and engaged in business therein, shall annually pay to the State Treasurer, as a license fee for carrying on business in said State of Montana, two (2) per centum upon the total net income received by such corporation in the preceding fiscal year from all sources within the State of Montana, including interest on bonds, notes or other interest bearing obligations of residents, corporate or otherwise, and including the income derived from dividends on capital stock or from net earnings of resident corporations whose net income is taxable under this title; and every corporation, except as hereinafter provided, organized and existing under the laws of any other state or country, or the United States, and engaged in business in the State of Montana, shall annually pay for the exclusive use and benefit of the State of Montana a license fee for carrying on its business in the State of Montana of two (2) per centum upon the total net income received by such corporation in the preceding fiscal year from all sources within the State of Montana, including

Resident corporation license fee.

Amount.

Income included.

Foreign corporation license fee.

Amount.

Income included.

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the interest on bonds, notes or other interest bearing obligations of residents, corporate or otherwise, and including the income derived from dividends on capital stock, or from net earnings of resident corporations, joint stock companies or associations whose net income is taxable under this title. Every corporation subject to taxation under this Act shall, in any event, pay a minimum tax of not less than Five Dollars ($5).

Minimum tax.

There shall not be taxed under this title any income received by any—

Exemptions.

FIRST. Labor, agricultural or horticultural organization;

SECOND. Mutual savings bank not having a capital stock represented by shares;

THIRD. Fraternal beneficiary, society, order or association operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident or other benefits to the members of such society, order or association or their dependents;

Fraternal societies.

FOURTH. Domestic building and loan associations or cooperative bank without capital stock, organized and operated for mutual purposes and without profit;

Domestic building and loan associations.

FIFTH. Cemetery company owned and operated exclusively for the benefit of its members;

SIXTH. Corporation or association organized and operated exclusively for religious, charitable, scientific or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual;

Religious, charitable, scientific or educational corporations.

SEVENTH. Business league, chamber of commerce, or board of trade, not organized for profit, and no part of the net income of which inures to the benefit of any private stockholder or individual;

Business leagues, etc.

EIGHTH. Civic league or organization not organized for profit, but operated exclusively for the promotion of social welfare;

Civic leagues.

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Recreation clubs.

NINTH. Club organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net income of which inures to the benefit of any private stockholder or members;

Certain mutual organizations.

TENTH. Farmers' or other mutual hail, cyclone, or fire insurance company, mutual ditch or irrigation company, mutual or cooperative telephone company, or like organization of a purely local character, the income of which consists solely of assessments, dues and fees collected from members for the sole purpose of meeting its expenses;

Mutual marketing associations.

ELEVENTH. Farmers', fruit growers' or like associations, organized and operated as a sales agent for the purpose of marketing the products of its members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity of produce furnished by them;

Title holding corporations.

TWELFTH. Corporations or associations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title;

Exemption on earnings from public utility managed by subdivision of the state.

THIRTEENTH. In determining the license fee to be paid under this Act, there shall not be included any earnings derived from any public utility managed or operated by any subdivision of the state, or from the exercise of any governmental function."

Section 2. That Section 2297, Montana Revised Codes of 1921 be, and the same is hereby amended to read as follows:

Deduction allowed.

"Section 2297. In computing net income the following deductions shall be allowed from the gross income received by such corporation within the year from all sources;

Ordinary and necessary expenses.

FIRST. All the ordinary and necessary expenses paid within the year in the maintenance and operation of its business and properties, including reasonable allowance for salaries for personal services actually rendered, rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity.

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SECOND. All losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear of property arising out of its use or employment in the business or trade. No deduction shall be allowed for any amount paid out for any buildings, permanent improvements or betterments made to increase the value of any property or estate and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made.

Losses.

Permanent improvements not deductible.

THIRD. In the case of mines, other natural deposits, oil and gas wells, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the State Board of Equalization; provided, however, for the purpose of determining depletion, depreciation and obsolescence, in all cases not expressly provided for in this Act, the provisions of the most recent Act of Congress of the United States, commonly known as the Federal Income Tax Act, and the rules, regulations and decisions thereunder, insofar as same are applicable and pertinent and not repugnant to or inconsistent with the express provisions of this Act, shall be the rule of decision by the State Board of Equalization.

Reasonable allowance for depletion and depreciation.

Power of Board.

When Federal income tax rulings are applicable.

FOURTH. The amount of interest paid within the year on its indebtedness incurred in the operation of the business from which its income is derived; but no interest shall be allowed as a deduction if paid on an indebtedness created for the purchase, maintenance or improvement of property or for the conduct of a business unless the income from such property or business would be taxable under this Act.

Interest.

FIFTH. Taxes paid within the year imposed by authority of the United States or its territories or possessions, or any foreign country, or under the authority of this state, or any county, school district or municipality or other taxing subdivision of this state, not including those assessed against local benefits.

Taxes.

SIXTH. In the case of insurance companies, in addition to the above, the net addition required by law to

Special exemption for insurance companies.

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be made within the year to reserve funds, and paid within the year on policy and annuity contracts."

How to determine net income where it cannot be segregated from income earned out of the state.

Section 3. If the income of any corporation from sources within the state cannot be properly segregated from income without the state, then, in that event, the amount of the net income returned shall be that proportion of the taxpayer's total net income which the taxpayer's gross business done in the State of Montana bears to the total gross business of the taxpayer, and apportionment shall be made under the rules and regulations prescribed by the State Board of Equalization, giving consideration to sales, property and payroll and such other factors as may be deemed applicable.

Section 4. That Section 2303, Montana Revised Codes of 1921, as amended by Section 4 of Chapter 146 of the Laws of 1923 be, and the same is hereby amended to read as follows:

Duty of Board where income is believed to be understated.

"Section 2303. If the State Board of Equalization has reason to believe that the amount of any income returned is understated, it shall give notice in writing of not less than five (5) days to the corporation making the return to show cause why the amount of the return should not be increased, and upon proof of the amount understated may increase the same accordingly. Such corporations may furnish sworn testimony to prove any relevant fact bearing upon said return. The State Board of Equalization shall have power to prescribe forms for the returns and notices and such other regulations as may from time to time be found necessary for the purpose of carrying into effect the provisions of this Act. Jurisdiction is hereby conferred upon the District Court of the First Judicial District of the State of Montana, in and for the County of Lewis and Clark, to compel attendance of witnesses to testify before the State Board of Equalization, together with the production of books and such other testimony by appropriate process. Upon the determination by the State Board of Equalization of the amount of tax due from any and all corporations under the provisions of this Act, the State Board of Equalization shall mail a notice of the amount of taxes thus determined to be due to the corporation making such return. Such corporation shall thereupon remit the amount of such tax to the State Treasurer. When the

Power of Board to prescribe regulations.

Jurisdiction for tax hearings.

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State Board of Equalization has reason to believe that the business of any corporation is so conducted as either directly or indirectly to distort the true net income of the corporation and the net income properly attributable to this state, whether by the arbitrary shifting of income through price fixing, charges for service, or otherwise, whereby the net income is arbitrarily assigned to one or another corporation carrying on business under a substantially common control, it may require the disclosure of such facts as it deems necessary for the proper computation of the entire net income and the net income properly attributable to this state, and in determining the same, the Board shall have regard to the fair profits which would normally arise from the conduct of the business.

Power of Board to investigate and to demand disclosure of facts relevant.

Section 5. (a) Corporations which are affiliated may, if authorized, and shall, if required, by the State Board of Equalization, under regulations prescribed by said Board, make a consolidated return for the purpose of this Act. In any case in which a tax is assessed upon the basis of a consolidated return, the total tax shall be computed in the first instance as a unit and shall then be assessed upon the respective affiliated corporations in such proportions as may be agreed upon among them, or in the absence of any such agreement, then on the basis of the net income properly assignable to each.

Consolidated returns.

Computation of tax where consolidated.

(b) Any corporation liable to report under this Act and owning, or controlling, either directly or indirectly, substantially all of the capital stock of another corporation, or of other corporations, may be required to make a consolidated report showing the combined net income, such assets of the corporation as are required for the purposes of this Act, and such other information as the State Board of Equalization may require, but excluding inter-corporate stockholdings and inter-corporate accounts. Any corporation liable to report under this Act and owned or controlled, either directly or indirectly, by another corporation may be required to make a report consolidated with the owning company, showing the combined net income, such assets of the corporation as are required for the purposes of this Act, and such other information as the State Board of Equalization may require, but excluding inter-corporate stockholdings and

Power to require consolidated return.

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Power to adjust tax in certain cases.

inter-corporate accounts. In case it shall appear to the State Board of Equalization that any arrangement exists in such a manner as to improperly reflect the business done, the segregable assets or the entire net income earned from business done in this state, the State Board of Equalization is authorized and empowered, in such manner as it may determine, to equitably adjust the tax.

When reports must be filed on merging or consolidating.

Section 6. If any corporation shall acquire either directly, indirectly or by merger or consolidation the major portion of the actively employed assets of another corporation or of corporations doing any business in this state during any year, or shall merge or consolidate another corporation, it shall, within thirty (30) days after such acquisition, merger or consolidation, file a report

What to contain.

and include therein a statement showing its own and the consolidated entire net income of all such corporations for preceding calendar or fiscal years to the extent that all such income has not been used or included in measuring a corporation excise tax to this state. It shall,

Tax in such case.

in any event, be liable for and pay all taxes that would have been due and payable by the corporation, or corporations, on or before the first day of January next succeeding had the corporation or corporations whose assets were acquired, or which were merged or consolidated, continued in business and as though there had been no interruption or change of the business thereof nor discontinuance of the privilege of doing business. It shall also include in its own next annual return, in addition to its own entire net income, so much of the entire net income of corporations whose assets it acquired, or which were merged or consolidated, as shall not have been used or included in measuring a corporation excise tax to this state, and shall be taxed upon such combined entire net income for the year to ensue.

Tax where corporation dissolves or ceases business.

Section 7. Every corporation which shall be dissolved or cease to do business in this state during any tax paying year, shall make its return and pay the tax due, for such period as it transacted business, on or before the date of such dissolution or cessation of business. The State Board of Equalization may grant a reasonable extension of time for filing a return upon good cause shown therefor.

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Where omission is deemed committed.

Section 8. The failure to do any act, required by or under the provisions of this Act, shall be deemed an act committed in the office of the State Board of Equalization in the State Capitol Building, in Helena, Montana. The certificates of the State Board of Equalization to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied, as required by or under the provisions of this Act, shall be prima facie evidence that such tax has not been paid, that such return has not been filed, or that such information has not been supplied.

Prima facie evidence.

False or fraudulent evasion.

Section 9. In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in Court for the collection of such tax may be begun without assessment, at any time.

When delinquent and the effect of continued delinquency.

Section 10. If a tax computed and levied hereunder is not paid before five o'clock p. m. on the last day of the eleventh month after the date of delinquency, the corporate powers, rights and privileges of the delinquent taxpayer, if it be a domestic corporation, shall be suspended, and if the delinquent taxpayer be a foreign corporation it shall thereupon forfeit its rights to do intrastate business in this state.

Record of suspension or forfeiture.

The Commission shall transmit the name of each such corporation to the Secretary of State, who shall immediately record the same in such manner that it may be available to the public. The suspension or forfeiture herein provided for shall become effective immediately such record is made, and the certificate of the Secretary of State shall be prima facie evidence of such suspension or forfeiture.

Relief from suspension or forfeiture.

Section 11. Any corporation which has suffered the suspension or forfeiture referred to in the preceding section may be relieved therefrom upon making application therefor in writing and paying the tax and the interest and penalties for nonpayment of which the suspension or forfeiture occurred. Application for revivor may be made by any stockholder or creditor of the corporation or by a majority of the surviving Trustees or Directors, and the same shall be filed with the Secretary of State. In case the application is made in any taxable

Who may apply for relief.

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Penalty.

year other than the taxable year in which the suspension or forfeiture occurred the applicant shall pay twice the amount of the tax and penalties due the state for the taxable year in which the suspension or forfeiture occurred, and upon such payment the Secretary of State shall issue a certificate of revivor and thereupon the applicant shall be revived. The revivor shall be without prejudice to any action, defense or right which has accrued by reason of the original suspension or forfeiture.

Effect of revivor.

The certificate of revivor shall be prima facie evidence of the revivor. Any certificate of revivor provided for in this section may be recorded in the office of the County Recorder in any county of this state.

Penalty for violation.

Section 12. Every officer or employee of any corporation or other person, who, without fraudulent intent, shall fail to make, render, sign or verify any return, or to supply any information within the time required by or under the provisions of this Act, shall be liable to a penalty of not more than One Hundred Dollars ($100) to be imposed, assessed, and collected by the State Board of Equalization in the same manner as is provided in this Act with regard to delinquent taxes.

Power of Board to estimate tax.

Section 13. (a) If any taxpayer fails to make return as herein required, the State Board of Equalization is authorized to make an estimate of the taxes due from such taxpayer from any information in its possession.

Power to examine and investigate to make estimate of tax.

(b) The State Board of Equalization, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of net income of any corporations where information has been obtained, shall also have power to examine or to cause to have examined by any agent or representative designated by it for that purpose, any books, papers, records or memoranda bearing upon the matters required to be included in the return, and may require the attendance of any officer or employee of the corporation rendering such return or the attendance of any other person having knowledge in the premises, and may take testimony and require proof material for its information.

Section 14. The State Board of Equalization under such rules as they may prescribe, may permit, notwithstanding the provisions of this Act as to secrecy, the

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Commissioner of Internal Revenue of the United States, or the proper officer of any state imposing a tax on or according to income, to inspect the returns of any taxpayer making returns under this Act, or may furnish to such officer or his authorized representative an abstract or any return or matter contained in any affidavit, statement or certificate made or filed in connection with any return or any tax or credit claimed as a deduction from any tax, or any information disclosed by the report of any investigation relating to the income or tax of any taxpayer; but such permission shall be granted or information furnished to such officer, or his representative, only if the statutes of the United States or of such other state, as the case may be, grant substantially similar privileges to the proper officer of this state charged with the administration of this Act.

When U. S. revenue men may investigate returns under this Act.

Reciprocity.

Section 15. That Section 2298 of the Revised Codes of Montana of 1921 and all Acts and parts of Acts in conflict herewith are hereby repealed; provided, however, that the repeal or amendment of the sections as amended by this Act shall not be construed to relieve or release any corporation from the payment of any license fee which such corporation should have paid under the provisions of such sections before the repeal or amendment thereof by this Act, or of any penalty or interest which has heretofore or may hereafter attach to or become due thereon, but all such license fees, penalties and interest shall be fixed and determined under the provisions of such sections as amended, and shall be paid and collected as though such sections had not been amended by this Act.

Repealing clause.

Saving clause.

Section 16. The State Treasurer shall deposit seventy-five (75) per centum to the general fund, and twenty-five (25) per centum thereof to the common school equalization fund. There is hereby appropriated out of the general fund for the administration of this Act two and one-half (2½) per centum of the amount collected hereunder. Any part of such appropriation not expended at the end of each fiscal year shall be credited by the State Treasurer to the respective funds according to the percentage specified in this section. The revenue so produced shall be taken account of by the State Legislature in making the annual levy for state

Disposition of taxes collected.

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Purpose.

purposes. It is the expressed intention of this Act that the revenue derived hereunder shall reduce by corresponding amount the direct tax levy which the state would otherwise make for state purposes."

Saving clause.

Section 17. If any section, subsection, subdivision, sentence, clause, paragraph, or phrase of this Act is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Act so long as sufficient remains of the Act to render the same operative and reasonably effective for carrying out the main purpose and intention of the Legislature in enacting the same, as such purpose and intention may be disclosed by this Act.

Section 18. This Act shall take effect and be in full force from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 167

An Act to Amend Sections 295, 297, 298 and 299 Revised Codes of Montana, 1921, the Same Being "An Act to Provide a Budget System for the Control of All Expenditures of State Money."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 295, Revised Codes of Montana, 1921, be, and the same is hereby amended so as to read as follows:

When requests for appropriation shall be made.

"Section 295. **Request for Annual Appropriation.** Each department of the State Government, and all state institutions and agencies requiring an annual appropriation from the state, shall present a request therefor to the State Board of Examiners, on or before the 1st day of November of each year preceding a regular session of the Legislative Assembly."

Section 2. That Section 297, Revised Codes of Montana, 1921, be, and the same is hereby amended so as to read as follows:

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"Section 297. **Blank Forms for Requests.** All requests for appropriations shall be made upon blank forms to be furnished by the State Accountant upon approval of the State Board of Examiners. The blank forms shall be filled in according to the rules adopted by the State Board of Examiners. Upon receipt of the requests for appropriations, the State Board of Examiners shall proceed to examine such requests and reports, for the purpose of determining the necessity of the appropriations so requested."

Forms for requests.

Board shall examine.

Section 3. That Section 298, Revised Codes of Montana, 1921, be, and the same is hereby amended so as to read as follows:

"Section 298. **Budget and Supplementary Appropriation Bills.** The Legislative Assembly shall not appropriate any money out of the state treasury except in accordance with the following provisions:

Restrictions on appropriations.

(a) Every appropriation bill shall be either a 'Budget Bill' or a 'Supplementary Appropriation Bill' as hereinafter mentioned.

(b) **Budget.** Within ten days after the convening of the State Legislative Assembly, the State Board of Examiners shall submit to the House of Representatives and to the Senate a budget which shall contain a statement showing:

When budget must be submitted to Legislature.

1. The total revenues and expenditures of the state for the preceding biennial period, and the estimated revenues and expenditures for the succeeding biennial period.

What to contain.

2. The current assets and liabilities, reserves and surplus or deficit of the state.

3. All debts and the amount of all moneys in the state treasury to the credit of each fund.

4. All revenues, expenditures and balances for the preceding biennial period and the requests for the succeeding biennial period showing the amounts, item by item.

(c) The budget shall be divided into two parts and the first part shall be designated 'Governmental Appropriations' and shall embrace an itemized estimate of the appropriations for each of the two ensuing fiscal years;

Arrangement and divisions of budget.

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"Governmental appropriation."

1. For the Legislative Assembly, showing the amounts necessary to pay the mileage and per diem of each member and per diem of all officers and attaches, and the several items for necessary incidental expenses;

2. For the Executive Department, as provided by law;

3. For the Judiciary Department, as certified to by the Clerk of the Supreme Court, herein provided, and as provided by law;

4. To pay and discharge the principal and interest of any bonded indebtedness of the State of Montana;

5. For the salaries payable by the state under the Constitution and Laws of the state;

6. For the establishment and maintenance throughout the state of a thorough and efficient system of public schools, so far as the same may be necessary, in conformity with the Constitution and Laws of the state;

"General appropriations."

7. For such other purposes as are set forth in the Constitution of the state.

(d) The second part of the budget shall be designated 'General Appropriations' and shall include all other estimates and appropriations.

How Board shall prepare its recommendations.

(e) **Budget Bill.** The Board of Examiners shall prepare its recommendations for the Budget Bill in the following manner:

Form.

1. The recommendations of the State Board of Examiners shall be in the form of a Budget Bill, showing the amounts recommended for all the proposed appropriations.

Designate funds.

2. The recommendations of the State Board of Examiners shall designate the fund or funds from which each appropriation is proposed to be made.

Itemized.

3. The recommendations in the proposed Budget Bill may be itemized in such manner as the State Board of Examiners may deem necessary.

When to be submitted.

4. The proposed Budget Bill as hereinabove provided shall be submitted to the Legislative Assembly not later than the tenth day of the Session."

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Section 4. That Section 299, Revised Codes of Montana, 1921, be, and the same is hereby amended so as to read as follows:

"Section 299. **Legislative Action.** The presiding officers of the House of Representatives and of the Senate shall promptly refer said budgets and Budget Bills to the proper committees. The Budget Bill for the maintenance of the several departments of the State Government and the several state institutions shall be based upon the budget and proposed Budget Bill so submitted; and the Legislative Assembly may amend the proposed Budget Bill by increasing or decreasing the items therein, except that the Legislative Assembly shall not amend the proposed Budget Bill so as to effect either the obligations of the state or the payment of any salaries required to be paid by the Constitution and Laws of the state."

Legislative approval and action.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 168

An Act to Amend Section 30 of Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana of 1929, as Amended by Chapter 39, of the Session Laws of the Twenty-second Legislative Assembly of Montana of 1931, Relating to Standard Butter Measure.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 30 of Chapter 93 of the Session Laws of the Twenty-first Legislative Assembly of Montana for 1929, relating to standard butter measure, be, and the same is hereby amended to read as follows:

"Section 30. **Standard Butter Measure.** The standard measure for the sale of butter, in the State of Montana, shall be sixteen (16) ounces, (avoirdupois weight) to the pound, exclusive of the wrapper or container, no

Standard measure for butter.

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tolerance in deficiency being allowed. All butter sold, offered or exposed for sale in paper containers or wrappers, shall be in packages of one (1) or two (2) pounds, net standard avoirdupois weight, no tolerance for deficiency being allowed; provided, however, that packages of the weight herein specified may be made up of smaller component packages of wrapped butter in multiples of four (4) or eight (8) ounces each. Any violation of the provisions of this section shall constitute a misdemeanor and be punishable as provided in Section 49 of the Act hereby amended."

Penalty.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 169

An Act to Amend Chapter 182 of the Session Laws of the Twenty-second Legislative Assembly of Montana for 1931 Relating to Deceit in Weight, Grade, Measure or Test in Sale of Milk or Cream; and Providing a Penalty for Violation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 182 of the Session Laws of the Twenty-second Legislative Assembly of the State of Montana for 1931 be, and the same is hereby amended to read as follows:

"Section 1. No person, firm or corporation selling or delivering milk or cream, and no person, firm, or corporation receiving or purchasing milk or cream by weight, grade or Babcock test, or either, or by measure, grade or Babcock test, or either, shall with intent to deceive or defraud as to the weight, grade, measure or Babcock test thereof; manipulate, change or alter such measure, Babcock test, grade or weight, or make or return to any person any false, inaccurate or untrue statement of such weight, grade, Babcock test or measure,

Deceit in weight, grade, measure or test unlawful.

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or use any measure, grading or testing apparatus which does not comply with the standards of the Department of Agriculture or which has been condemned as inaccurate."

Section 2. Any person, firm or corporation who violates any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Three Hundred Dollars ($300.00) or by imprisonment in the county jail for not more than two (2) months, or by both such fine and imprisonment. The Commissioner of Agriculture is also authorized and empowered to revoke any license issued by his department to any person, firm or corporation upon his or their conviction for violation of the provisions of this Act.

Penalty.

Power to revoke license.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 170

An Act to Amend Section 1 of Chapter 19 of the Session Laws of 1927, Defining Terms for Act, Requiring All Persons, Co-partnerships, Firms, Associations, Joint Stock Companies, Syndicates and Corporations Engaged in or Carrying on the Business of Selling, Handling or Using Gasoline to Pay to the State Board of Equalization Certain License Taxes for Engaging in and Carrying on Such Business in This State; Also to Repeal Sections 2381, 2382 and 2383 of the Revised Codes of Montana, 1921.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 19 of the Session Laws of 1927, be, and the same is hereby amended to read as follows:

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Definitions.

"Section 1. As used in this Act, the following definitions shall apply:

"Gasoline."

(1) The word 'gasoline' means:

(a) The volatile substance produced from petroleum, natural gas, oil shales or coal heretofore sold under the name of 'gasoline', and sold or used for producing motor power for internal combustion engines or for producing power for propelling motor vehicles.

(b) Any other volatile product or substance of not less than forty-six (46) degrees Taglianbes-Baume test sold or used for producing motor power for internal combustion engines or for producing power for propelling motor vehicles.

"Person."

(2) The word 'person' means any person, firm, association, joint stock company, syndicate or corporation.

"Motor vehicle."

(3) The words 'motor vehicle' mean all vehicles operated or propelled upon the public highways or streets of this state, in whole or in part by the combustion of gasoline.

"Use."

(4) The word 'use' shall include and mean the operation of motor vehicles upon the public roads or highways of the State of Montana, or of any political subdivision thereof.

"Import."

(5) The word 'import' shall include and mean to receive into any person's possession or custody first after its arrival and coming to rest at destination within the State of Montana of any gasoline shipped or transported into this state from point of origin without this state.

"Handle."

(6) The word 'handle' means to produce, refine, manufacture or compound gasoline and use it or sell it in less than railway tank car lots, or to import gasoline into the State of Montana or to purchase gasoline within the State of Montana for sale or for one's own use, upon which the license tax herein imposed has not been paid.

"Dealer."

(7) The word 'dealer' means and includes any person who engages in the business in the State of Montana of producing, refining, manufacturing or compounding gasoline and using it or selling it in less than railway tank car lots, or of importing gasoline into the State of Montana or purchasing gasoline within the State

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of Montana for sale or for one's own use. Such gasoline, for the purpose of this Act, shall be deemed to be 'handled' by such dealer."

"Handled."

Section 2. Sections 2381, 2382 and 2383 of the Revised Codes of Montana of 1921, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. If any section, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, then this Act shall be invalid in its entirety and all laws relating to the subject of this Act in existence prior to and at the time of the passage of this Act shall remain in full force and effect. The Legislative Assembly of the State of Montana hereby declares that it would not have passed the remaining portions of this Act if any part thereof may be declared unconstitutional or invalid.

Entirety void if a part is void.

Section 4. This Act shall be in full force and effect from and after April 1, 1933.

Approved March 16, 1933.

CHAPTER 171

An Act to Amend Section 2 of Chapter 108 of the Session Laws of the State of Montana of 1927, as Amended by Chapter 193 of the Session Laws of the State of Montana of 1931, and Also to Amend Sections 6, 15 and 20 of Said Chapter 108, All of Said Four Sections Relating to the Leasing of State Lands for Oil and Gas Development.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Chapter 108 of the Session Laws of the State of Montana of 1927, as amended by Chapter 193 of the Session Laws of the State of Montana of 1931, be, and the same is hereby amended to read as follows:

"Section 2. (of Chapter 108, Session Laws of 1927). No oil or gas lease issued on state lands shall embrace more than six hundred forty (640) acres, except, how-

Number of acres which may be leased.

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ever, that any section which as surveyed by the Government of the United States contains more than six hundred forty (640) acres may be included under one lease. Any person, association, corporation, or municipality qualified to hold an oil or gas lease on state lands may receive from the State Board of Land Commissioners or take through assignment, or succession, will, judgment, decree, or otherwise through the operation of law, more than one oil and gas lease to state lands, subject, however to such regulations and limitations as the State Board of Land Commissioners may prescribe, both as to the number of such leases and otherwise.

When and how more than one lease may be held.

Term of leases.

All leases issued hereunder shall be granted for a period not exceeding ten (10) years and as long thereafter during the term of fifteen (15) years commencing with the date of such lease or leases, as oil or gas of commercial quality and in commercial quantity shall be produced from the land covered thereby; provided however, that all drilling, rental and other obligations are fully kept and performed by the lessee.

Agreements respecting property leased.

All holders of state oil and gas leases may enter into agreements with other persons, associations, firms and corporations for drilling and other operations on the state lands under their leases; but no such operating agreements shall in any way be binding upon the state until filed with the Secretary of the State Board of Land Commissioners and approved by the Board; and no such drilling or operating agreement shall in any way effect the obligations of each individual lease holder to the state.

Not binding on the state.

Board may make pooling of acreage agreements.

Nothing herein contained, or in Chapter 108 of the Session Laws of the State of Montana of 1927, or elsewhere, shall prevent or be so construed as to prevent the State Board of Land Commissioners from entering into agreements for the pooling of acreage with others for unit operations for the production of gas and the apportionment of gas royalties on an acreage or other equitable basis, and from modifying existing leases and leases hereafter entered into with respect to delay rentals, delay drilling penalties and royalties in accordance with such pooling agreements and such unit plans of operation; provided however, that such agreements

Other agreements.

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shall not change the percentages of royalties to be paid to the state from the percentages as fixed in its leases."

Section 2. That Section 6 of Chapter 108 of the Session Laws of the State of Montana of 1927, be, and the same is hereby amended to read as follows:

"Section 6 (of Chapter 108, Session Laws of 1927). In each and every oil and gas lease granted by the state there shall be reserved unto the State Board of Land Commissioners full power and authority to declare termination of the same upon failure of the lessee to drill at least one well upon the leased premises not less than six (6) inches in diameter to the depth of at least one thousand (1,000) feet, unless oil or gas in commercial quantity and of commercial quality shall be encountered at a shallower depth within two years after the date of the lease; provided further, that if oil or gas in commercial quantities are not found at the depth of one thousand (1,000) feet or less, then in that event the lessee shall continue drilling with diligence to such depth as may be necessary to make a reasonable test for oil or gas. The Board may, in its discretion, upon satisfactory showing by the lessee, extend the time for the commencement or completion of such drilling obligation from year to year, not exceeding ten (10) years from and after the date of the lease, upon such terms and considerations as the Board may determine, and upon the payment to the Commissioner of State Lands and Investments of such penalty, if any, as the Board in its discretion may determine, for each year beginning with the third year, payable each year in advance.

Work required to hold lease.

Board may postpone time.

Upon proper application and showing, the State Board of Land Commissioners may in its discretion modify any existing oil and gas lease heretofore issued under the provisions of Chapter 108, Laws of 1927, so as to conform with the provisions of this Act. Any such modification when granted by the Board shall be made in writing."

May modify existing leases.

Section 3. That Section 15 of Chapter 108 of the Session Laws of the State of Montana of 1927, be, and the same is hereby amended to read as follows:

"Section 15. (of Chapter 108, Session Laws of 1927). In the case of all leases issued under this Act where oil or gas has been produced, the State Board of Land Com-

Duty to re-lease.

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missioners shall at the expiration thereof, or termination for any cause, advertise the land held thereunder for re-leasing and lease the same to the highest responsible bidder therefor at public auction.

Advertise for sale at public auction.

In the case of all leases issued under this Act where oil or gas has not been produced, the Board shall at the expiration thereof, or termination for any cause, advertise the land held thereunder for re-leasing and lease the same to the highest responsible bidder therefor at public auction, if in the judgment of the Board such advertising and public auction will result in leasing of the land on terms more advantageous to the state; provided, however, that when the lands are advertised for re-leasing, any person, association, firm or corporation who held such lease at the expiration thereof, whether oil or gas had been produced thereunder or not, shall have the privilege of re-leasing the same at such highest responsible bid offered therefor, upon such terms and conditions as may be prescribed by the said Board or by the Legislative Assembly; and the Board shall have the privilege of rejecting any and all bids."

Person who held lease may bid.

Power to reject.

Section 4. That Section 20 of Chapter 108 of the Session Laws of the State of Montana of 1927, be, and the same is hereby amended to read as follows:

"Section 20. (of Chapter 108, Session Laws of 1927). It shall be unlawful for any member of the State Board of Land Commissioners, for any of the officers or employees of the Department of State Lands and Investments, and for any officer or employee of any other department or office of government of the State of Montana which is required to inspect or examine oil or gas wells or otherwise, to gather field information in regard to prospecting for oil and gas or the production thereof, hereafter to lease or to become interested in any manner in any oil or gas lease on state lands."

What officials or employees may not lease.

Repealing clause.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

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CHAPTER 172

An Act Prohibiting the Sale or Exchange in the Open Market of Goods, Wares and Merchandise Produced, Manufactured or Mined by Convicts or Prisoners Under Sentence in the State, or in or by Any Penal or Reformatory Institution of the State, or Produced, Manufactured or Mined by Convicts or Prisoners Outside the State, or in or by Any Penal or Reformatory Institution of the United States or Any State or Foreign Country and Transported to This State for Use or Consumption Therein; Providing for the Sale or Exchange of Goods, Wares and Merchandise Made in or by Any Penal or Reformatory Institution of the State to or with Any Other Penal or Reformatory Institution or Any Charitable or Custodial Institution, the Major Portion of Whose Maintenance is Contributed by the State or Some Political Subdivision Thereof; Authorizing the Board of State Prison Commissioners to Make Rules to Govern the Conduct of Industries in the Penal and Reformatory Institutions of the State, to Facilitate the Sale and Exchange of Such Goods, Wares and Merchandise; and Fixing Penalties for a Violation of the Provisions Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Sale in open market of prison goods unlawful.

Section 1. That on and after January 14, 1934, except as otherwise hereinafter provided, the sale in the open market in this state, of all goods, wares and merchandise manufactured, produced or mined, wholly or in part, by convicts or prisoners, under sentence in the state, (except prisoners on parole or probation) or in or by any penal or reformatory institution of the state is hereby prohibited. The provisions of this Act, and all other regulations and laws of this state in effect at the time and not inconsistent with this Act, shall apply to all goods, wares and merchandise manufactured, produced or mined, wholly or in part, by convicts or prisoners outside the state (except prisoners on parole or probation) or in or by any penal or reformatory institution of the United States, or any state or foreign country, and transported into this state for use or consumption therein, to the same extent and in the same manner as if such goods and merchandise were so manufactured, produced or mined within the State of Montana.

To what goods applicable.

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May exchange or sell to like institutions.

Section 2. For the purposes of this Act the provisions of Section 1, relating to sales in the open market, shall not include the sale or exchange of goods produced in any penal or reformatory institution of the state to or with any other penal or reformatory institution or any charitable or custodial institution, the major portion of whose maintenance is contributed by the state, or any of the political subdivisions thereof for the use or consumption of the persons therein confined.

Interstate exchange prohibited.

Section 3. The exchange of the products of penal or reformatory institutions of this state, as specified in this Act, for the products of any other state, is hereby prohibited.

Board may regulate so as to produce needed goods.

Section 4. The Board of State Prison Commissioners is hereby authorized and directed to make such rules and regulations governing the conduct of industries in the penal and reformatory institutions of the state as will (a) result in the manufacture, mining or production of only such goods, wares and merchandise as may be used or needed in the several penal, custodial, charitable and reformatory institutions, the major portion of whose maintenance is contributed by this state, or any of the political subdivisions thereof, or used and consumed by the persons confined in such institutions; and (b) result in the manufacture at such penal or reformatory institutions of as wide a variety of products as practicable, it being the purpose and intent of this provision to have the products of said institutions so diversified as to prevent the concentration of prison or reformatory labor in any one or few industries, thus to minimize as nearly as may be the possible competition of said industries with private industry and private capital; provided, however, that no goods, wares or merchandise manufactured, produced or mined in or by any penal or reformatory institution of this state shall be shipped outside of this state for sale or exchange, except articles and things made by an inmate of any such institution for his own individual profit.

May not be shipped out of state for sale.

Proviso.

May make auto plates.

Section 5. Nothing herein contained shall be deemed to prevent any of the said institutions from manufacturing motor vehicle number plates, and other articles required or needed by the office of the Registrar of Motor Vehicles, or from preventing any of said institutions

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selling or disposing of any reasonable surplus of produce raised exclusively for the use, feeding or maintenance of the inmates of any of said institutions. May sell or dispose of surplus.

Section 6. The sale price of products made in any penal or reformatory institution for the sale to or the use of any of the institutions hereinbefore mentioned, shall be as nearly as practicable the same as the sale price of similar merchandise manufactured in the private industry. Sale price.

Section 7. The Board of State Prison Commissioners shall annually meet and effect such rules and regulations as may be necessary to facilitate the sale and exchange between the institutions hereinbefore mentioned of the goods, wares and merchandise manufactured, produced or mined by them or any of them. Power to regulate.

Section 8. The words "Sales in the Open Market", as used in this Act, shall mean all sales made to the consuming public, through the medium of stores, shops, sales offices, sales agents or agencies, whether retail or wholesale, or in any other manner. Definition of "sales in open market."

Section 9. Any person or corporation who shall knowingly violate the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25.00) or more than One Thousand Dollars ($1000.00), or by imprisonment in the county jail for a period of not less than ten (10) days or more than six (6) months, or by both such fine and imprisonment. Penalty for violation.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 16, 1933.

CHAPTER 173

An Act Amending Section 1175, Revised Codes of Montana, 1921, Providing for the Light and Ventilation of School Buildings; Regulating the Approval of Plans

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Therefor by the State Board of Health, and Providing a Penalty for the Violation of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1175 Revised Codes of Montana, 1921 be, and the same is hereby amended to read as follows:

Ventilation and light requirements.

"Section 1175. The State Board of Health shall not approve plans for the erection of any school building or addition thereto or remodeling thereof, unless the same shall provide (a) at least fifteen (15) square feet of floor space and two hundred (200) cubic feet of air space for each pupil to be accommodated in each study or recitation room therein; (b) a system of ventilation which shall in the judgment of said State Board of Health be adequate to produce satisfactory conditions of air in the school room at all times and under all conditions; (c) the ventilation system must be of fireproof material; (d) the gauge of metal used in these ventilation systems shall be specified by the architect according to size of ventilation ducts but shall in no case be less than twenty-four (24) gauge metal.

Approval of State Board.

Direction of light.

The light shall come from the left or from the left and rear of each schoolroom, and the window space shall be not less than one-seventh of the floor space of each room."

Penalty for violation.

Section 2. Any contractor, architect or School Board who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500).

Repealing clause.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

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CHAPTER 174

An Act Requiring Every Person, Firm, Copartnership, Association, Joint Stock Company, Syndicate and Corporation Engaged in or Carrying on the Business of Constructing, Maintaining and Operating Telephone Lines and Telephone Instruments Within the State of Montana to Pay License Taxes and Providing Penalties.

Be it enacted by the Legislative Assembly of the State of Montana:

Who shall pay.

Section 1. Every person, firm, copartnership, association, joint stock company, syndicate and corporation engaged in the business of operating or maintaining telephone lines and furnishing telephone service in the State of Montana, whether as owner, lessee, trustee or receiver or in any other capacity, shall pay in to the State Treasurer on or before the first day of January each year a license tax in the amounts following for each telephone instrument used, controlled and operated by it in the conduct of such business, based upon the number of telephone instruments owned, controlled and operated by it during all or any part of the calendar year, to-wit: On the first twenty (20) telephone instruments or less a license tax of Ten Cents (10c) per phone; from twenty (20) to seventy-five (75) such instruments a license tax of Twenty Cents (20c) per phone, and on all above seventy-five (75) a license tax of One Dollar ($1.00) for each such instrument. The license tax so paid shall in no manner effect the rates charged to the patrons and users of such telephone instruments, but shall be borne entirely by the owning and operating concern. Provided, the tax herein provided for shall not be imposed on any telephone instrument where the rate charged the customer therefor does not exceed Two Dollars ($2.00) per month for residence phone, or Three Dollars ($3.00) per month for business house or office phone.

When.

Rates per number of telephones.

Not to affect rates of patrons.

Exemption from tax.

Definition of telephone.

Section 2. A telephone instrument is hereby defined to be a transmitter and receiver capable of use in the transmitting and receiving of telephone communications.

Penalty for violation.

Section 3. Any violation of any of the provisions of this Act shall be deemed a misdemeanor and shall be punished by fine of not more than One Thousand Dollars

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($1000) or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

Disposition of fees collected.

Section 4. All license fees paid to the State Treasurer under the provisions of this Act shall be by him, before the end of each fiscal year, divided by the counties in this state according to the number of telephone instruments in use from time to time in the respective counties of the state and on each such computation and division the State Treasurer shall transmit the share of each county to the County Treasurer thereof, for the use and benefit of the county general fund.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 175

An Act Relating to the Manner of Creating New School Districts, Providing the Number of Census Children and the Taxable Valuation of Property in the New Districts and the Number of Census Children and the Taxable Valuation of Property Remaining in the Old Districts, and Relating to the Manner of Changing the Boundaries of a School District and Providing the Taxable Valuation of Property in the District from Which Territory is Taken, and Amending Section 1024 of the Revised Codes of Montana of 1921, as Amended by Chapter 138 of the Twentieth Legislative Assembly of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1024 of the Revised Codes of Montana of 1921, as amended by Chapter 138 of the Twentieth Legislative Assembly of Montana, be, and the same is hereby amended to read as follows:

When a new school district may be created.

"Section 1024. A new school district may be created out of portions of one (1) or more existing school districts where the taxable valuation (the percentage valuation upon which levies are made and taxes computed)

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of property remaining in each district from which territory is taken is not reduced below Seventy-five Thousand Dollars ($75,000) and where the number of census children between the ages of six (6) and sixteen (16) years is not reduced below fifteen (15). For the purpose of organizing a new school district out of one (1) or more existing districts, a petition in writing shall be made to the County Superintendent of Schools, signed by parents or guardians of at least ten (10) census children between the ages of six (6) and sixteen (16) years, residing within the boundaries of the proposed new district, and residing at a greater distance than three (3) miles from any schoolhouse owned by any one of such school districts in which a school is maintained. The petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing therein at the date of the presenting of said petition. The petition shall also show the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of the property within the proposed new district which must not be less than Seventy-five Thousand Dollars ($75,000) as shown by the last completed assessment roll. The County Superintendent shall within five (5) days from the receipt of such petition give notice of the hearing of said petition by posting or causing to be posted, a notice thereof at least ten (10) days prior to the time appointed by him for consideration of said petition, in at least three (3) of the most public places in the proposed new district and one (1) on each schoolhouse door of each district affected by the proposed change, or if there be no schoolhouse, then in one (1) of the most public places in each of said old districts; and shall on the day fixed in the notice proceed to hear said petition at the place designated in said notice, which must be either at the court house of the county or else at the schoolhouse in one of the school districts affected, unless a protest in writing signed by at least a majority of the School Electors residing within such proposed school district shall be filed with the County Superintendent of Schools before or at the time fixed in the notice for the hearing of said petition, in which event the proposed school district shall not be created. If no such protest be filed, then the County Superintendent, upon hearing the petition, shall within

Petition required.

Contents of petition.

Notice of hearing.

Hearing.

When not held.

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Order to make district or deny by County Superintendent.

ten (10) days from the date of such hearing, make an order establishing the new district and describing the boundaries thereof, or make an order denying such petition.

Appeal.

An appeal may be taken to the Board of County Commissioners of the county, from either order made as aforesaid by three (3) resident taxpayers of either the old or the new district who are dissatisfied with said order.

Time of appeal.

Such appeal shall be taken within thirty (30) days of the date of such order and upon the hearing of said matter by the Board of County Commissioners, a decision shall be rendered which shall be final.

Contents of appeal.

The appeals mentioned in this section shall be in writing, subscribed by the parties taking the appeal and shall recite sufficient facts to show their rights to appeal hereunder, and that it is an appeal from the decision rendered, and such an appeal shall be filed with the County Superintendent within thirty (30) days from the date of the order establishing such new district or denying such petition.

Notice of appeal.

The County Superintendent shall, within twenty (20) days from the filing of such notice of appeal, transmit to the Board of County Commissioners, and file in the office of the County Clerk, the notice of appeal and all petitions, plats, and papers in his possession pertaining to the petition for the creation of such new school district. The County Clerk, shall forthwith, upon receipt of such notice of appeal and other papers, give notice to all parties interested, by causing to be posted at least ten (10) days prior to the date of the next regular meeting of the Board of County Commissioners, in at least three (3) of the most public places in the proposed new district, and one (1) on each schoolhouse door of each district affected by the proposed change, or if there be no schoolhouse, then in one (1) of the most public places in each of said old districts, notices to the effect that the Board of County Commissioners will, at its office in the courthouse, upon a certain date, specifying the same in such notices, which date shall be during the next regular session of the Board, finally hear and determine said appeal and said petition for the creation of such new district. The boundaries of any district can be changed in the following manner, to-wit:

Final hearing.

How boundaries may be changed.

A majority of the resident freeholders residing in territory which is a part of any organized school district may present a petition in writing to the County Super-

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intendent of Schools, asking that such territory be transferred to, or included in, any other organized district to which said territory is contiguous, provided however, that no territory within three (3) miles of an established school in such district shall be so transferred and provided further that the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of property in the district from which territory is taken shall not be reduced to less than Seventy-five Thousand Dollars ($75,000).

Petition.

Contents of petition.

The petition shall describe the territory which it is proposed to transfer or include, and shall also state the reason for desiring such change, and the number of children of school age, if any, residing in the territory to be transferred or included.

Notice of hearing.

The County Superintendent shall file said petition in his office immediately on receipt thereof, and shall give notice to the parties interested by posting notices at least ten (10) days prior to the time appointed for considering said petition, one (1) of which shall be in a public place in the territory which is proposed to be transferred or included, and one (1) on the door of each schoolhouse in each district affected by the change, or if there be no schoolhouse in such district, then in some public place in such district or districts, and at the time stated in said notice for the consideration of such petition, which shall not be less than ten (10) days nor more than thirty (30) days after the date of filing such petition, he shall proceed to hear such petition, and if he deem it advisable and for the best interest of the territory proposed to be transferred or included, he shall grant said petition and make an order fixing the boundaries of the districts so changed, which order shall be final, unless an appeal be taken to the Board of County Commissioners of the county wherein such districts are located within thirty (30) days thereafter, and upon hearing thereof the decision of said Board shall be final. All the papers, documents, and records in the case shall be certified by the County Superintendent to the County Commissioners for their determination of the matter on appeal; provided, that lands lying contiguous to a district and not attached to any district shall be attached to an adjacent district

Hearing.

Appeal.

Final hearing.

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by the County Superintendent of his own motion, and provided further, that all districts shall consist of contiguous territory."

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 176

An Act to Amend Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, Relating to Tax Deeds, Providing the Method and Procedure to be Followed in Applying for the Tax Deed and for the Issuance Thereof by the County Treasurer; the Redemption of Said Lands from the Tax Sale; the Form of Deed to be Issued and the Title Conveyed Thereby.

Be it enacted by the Legislative Assembly of the State of Montana:

Additional means of obtaining a tax deed.

Section 1. The purchaser of property sold for delinquent taxes or his assigns desiring a tax deed thereto may at his option, in addition to all other methods now provided by law, bring and maintain an action in the District Court of the county in which such real property is situated, which said action shall be brought and except as herein provided shall be prosecuted as in other civil actions. Before bringing the action, the plaintiff, unless it be the county, shall pay all delinquent taxes assessed subsequent to the date he procured the certificate of sale which may then be due to the county.

Taxes to be paid.

How to commence the action.

Section 2. The action shall be commenced by the filing of a verified complaint in which the party so commencing the same shall be named as plaintiff, and all persons having an interest in said property either as owner, encumbrancer, or otherwise, whose interest shall appear of record in the office of the County Clerk and Recorder of the county in which the said action is instituted, together with the County Treasurer of said county, shall be named

Parties.

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as defendants; if the county is the applicant, the action shall be brought in the name of the County Clerk and Recorder of said county; the complaint shall, among other things, set forth the description of the real property involved, the year in which the delinquent taxes were assessed, the amount for which the property was sold, the amount of taxes subsequently paid, the date of the sale of said property, the person to whom sold, the nature of the interest in said land held by the respective defendants or any of them, and the amount of money necessary to redeem the said lands from the said sale.

Contents of complaint.

Section 3. Upon the filing of the complaint, a notice of the pendency of said action shall be recorded in the office of the County Clerk and Recorder of the county in which the said action is pending, and the Lis Pendens so recorded shall be filed with the Clerk of the Court and shall become a part of the judgment roll of said action.

Lis Pendens.

Section 4. Upon the filing of the complaint, a summons must be issued under the seal of the said Court in manner, form and in substance as in civil actions, with the additional statement: "This action is brought for the purpose of procuring a tax deed from the County Treasurer of.....County (name of county), Montana, for the lands and premises described as: (description of the land)." Service of the said summons shall be made as in civil actions.

Summons necessary.

Section 5. Any defendant may appear in said action within the time provided by law for appearances in civil actions and may set up any defense to the said action he may have, and may therein question the legality, validity or the sufficiency of any act had in connection with the assessment or sale of said land; any defendant to said action may make redemption of said lands from said tax sale by paying the total amount of delinquent taxes and penalties, with interest thereon at eight per centum (8%) per annum from date of payment, which plaintiff shall have paid, together with costs of the action, and upon such payment a certificate of redemption therefrom shall be issued by the County Treasurer of said county to the defendant so paying, and thereupon the said action shall be dismissed; whenever a defendant shall desire to redeem from a tax sale and pay all sub-

Defense.

Certificate of redemption.

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sequent taxes upon any lots, piece, or parcel of real estate, which said person, firm, copartnership, corporation or association shall own or hold a mortgage or other lien against or have any interest in such property, it shall be the duty of the County Treasurer of the county in which such real estate is situated to permit such redemption and payment; and in case the said real estate shall have been assessed against any other property shall be a lien thereon, then it shall be the duty of said County Treasurer to compute and apportion the tax that should have properly been assessed against the said real estate sought to be redeemed, and upon which the taxes are sought to be paid, the same as if said property had been separately assessed. Any personal property tax which is a lien upon said real estate shall be likewise computed and apportioned on the same percentage basis as the tax assessed against the real estate is apportioned.

No default judgment.

Section 6. No judgment in any such action shall be given by default but the Court must require proof of the facts alleged in the complaint and other pleadings in said action. The Court shall allow the successful party his costs to be fixed by the Court including a reasonable attorney's fee in all cases where the county is not the applicant.

Costs.

What Court shall ascertain by its judgment.

Section 7. The Court by its judgment shall ascertain and determine by proper findings that the land was duly assessed, the year for which it was assessed, the amount of the assessment thereof, that said land was sold for the delinquent taxes, that due notice of the sale of the land was given as provided by law, the date of the sale thereof, the person to whom sold, the amount for which it was sold, the fact of the assignment of the certificate of sale, if assigned, that the said land nor any part thereof has not been redeemed from said sale, if such be the case, and shall order and direct the County Treasurer of said county to issue a deed of conveyance to the plaintiff for said land, that the said judgment so entered shall be binding and conclusive upon the defendants therein named, and from and after the entry of the said judgment all defendants to said action shall be forever barred and enjoined from claiming or asserting any claim of any kind or nature whatsoever existing at the time of the entry of said judgment to the lands and premises

Order deed issued to plaintiff.

Effect of final judgment.

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described in said action or to any part or portion thereof.

County Treasurer must issue a tax deed.

Section 8. Upon filing with the County Treasurer a certified copy of the decree, he must issue a tax deed for the real estate described in the judgment, which deed in substance shall be as follows: "This indenture, made by and between.....(insert name of Treasurer)....., County Treasurer of the County of.....(insert name of county)....., in the State of Montana, the party of the first part, and.....(insert name of grantee) ....., the party of the second part, Witnesseth:

Form and substance of deed.

Whereas, there was assessed for the year.....(insert year)....., in the name of.....(insert name)....., that certain tract of land hereinafter described, and the taxes for said year levied against said property amounted to the sum of.....(insert amount).....Dollars; and

Whereas, said taxes were not paid and said property was sold for the payment of said taxes to.....(insert name of grantee),.....on the.....(insert day).....of.....(insert month) ..... A. D.,.....(insert year),.....for the sum of .....(insert amount).....Dollars, and certificates of sale were duly issued and filed as required by law; and

Whereas, by virtue of a judgment and decree entered by the District Court of the.....Judicial District of the State of Montana in and for the County of..... (insert name of county).....in an action wherein .....was plaintiff and.....defendant, a certified copy thereof being filed in my office, I, the said County Treasurer aforesaid, am ordered and directed to issue this deed of conveyance for said lands.

Now, therefore, I,.....(insert name of Treasurer),.....County Treasurer of the County of..... (insert name of county),.....in the State of Montana, for and in consideration of the sum of..... (insert amount).....Dollars paid, do grant to .....(insert name of grantee),..... all the property situated in.....(insert name of county).....County, State of Montana, described as follows:.....(here insert description of the land sold for taxes and sought to be conveyed).

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Witness my hand this.....(insert day)..... of.....(insert month), A. D.,.....(insert year).

.....
County Treasurer of.....
County, State of Montana."

Conveys absolute title.

Section 9. The deed hereafter issued under this or any other law of this state shall convey to the grantee the absolute title to the lands described therein as of the date of the expiration of the period for redemption, free of all encumbrances and clear of any and all claims of said defendants to said action except the lien for taxes which may have attached subsequent to the sale and the lien of any special or local improvement assessments levied against the property payable after the execution of said deed, and except when the land is owned by the United States or this state, in which case it is prima facie evidence of the right of possession accrued as of the date of expiration of such period for redemption.

Limitations.

Repealing clause.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 11. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 177

An Act to Amend Section 75 of Chapter 60 of the Session Laws of the State of Montana of 1927, Relating to the Sale of State Lands and Prescribing the Minimum Prices at Which Such Lands May be Sold.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75 of Chapter 60 of the Session Laws of the State of Montana of 1927, be, and the same is hereby amended to read as follows:

Regulation for sale of state lands.

"Section 75. At the time fixed for the sale, the lands shall be offered for sale at auction, in the order they appear in the notice of sale under the personal direction

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of the Commissioner or the Assistant Commissioner, one of whom shall be present at the sale, and sold to the highest qualified bidder under the following restrictions: No lands shall be sold for less than the appraised value; tillable lands capable of producing agricultural crops shall not be sold for less than Ten Dollars ($10.00) per acre, and lands principally valuable for grazing purposes shall not be sold for less than Five Dollars ($5.00) per acre. These price limitations shall not apply to mortgage lands.

Price.

It is further provided that the lessee of the land need not make a higher bid than others, but shall if bidding an equal amount be given the preference. The lands shall be sold as nearly as practicable according to the subdivisions in which they are advertised, and care shall be taken not to subdivide any tract in such a way as to separate remaining portions from a water supply or from section lines or public highways. The sale may be adjourned from day to day until all the lands advertised have been offered for sale.

Lease.

If any successful bidder at such sale refuses or neglects to make the initial payment required to be made on the land purchased by him, he shall forfeit to the state not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars ($1000.00) to be determined by the State Board of Land Commissioners according to the circumstances of the case. If such forfeiture is not paid when notice of the amount of the forfeiture has been served by the Commissioner, the Attorney General shall institute a suit for the recovery thereof in the name of the State of Montana.

Forfeiture for failure to make initial payment.

The proceeds from the lands sold, including all subsequent payments on the principal, shall be credited to the permanent fund arising from the grant to which it belongs and shall become and forever remain an inseparable and inviolable part thereof. All payments on interest shall be credited to the proper income fund and shall be available for use as provided by law."

Disposition of proceeds.

Section 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

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CHAPTER 178

An Act Providing for a Budget System for Making and Controlling Estimates, Expenditures and Tax Levies for District High School and County High School Purposes; Prescribing the Powers and Duties of Boards of School District Trustees and Boards of Trustees of County High Schools, Boards of School Budget Supervisors and County Boards and Officers in Connection with the Making of Such Budgets and Such Estimates, Expenditures and Tax Levies; Providing Penalties for Violations of the Provisions of This Act and Repealing Sections 86, 87, 88, 89, 90, 91, 92, 93 and 94 of Chapter 148, Acts of Twenty-second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

"District high school."

"County high school."

"Board."

"Trustees."

"Board of Trustees."

"School Trustees."

"Clerk."

"Budget Board."

Section 1. This Act shall apply to all districts maintaining district high schools and to all county high schools. As used herein the term "district high school" means a school maintained by a school district and which comprises some one or more of the grades of school work intermediate between the elementary grades and the institutions of higher education of the State of Montana; the term "county high school" means a school established by a county under the provisions of Sections 1262 to 1265 inclusive, Revised Codes of Montana, 1921; the term "district" shall mean a district maintaining a district high school; the term "Board", "Trustees" and "Board of Trustees" and "School Trustees" shall mean the Board of Trustees of a school district maintaining a district high school and Boards of Trustees of county high schools; the term "Clerk" shall mean the Clerk of the school district and the Secretary of the Board of Trustees of a county high school; the term "Budget Board" shall mean the Board of School Budget Supervisors.

Budget forms.

Section 2. The State Superintendent of Public Instruction shall cause a sufficient number of budget forms to be printed for use in all counties, which budget form shall be in substantially the following form:

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PART I—EXPENDITURES

Expenditures.

	1. Actual Expenditures Last Completed School Year. 193..... - 193.....	2. Approved Budget Current School Year. 193..... - 193.....	3. Estimated Budget Required Ensuing School Year. 193..... - 193.....	4. Approved Budget Ensuing School Year. 193..... - 193.....
I. GENERAL CONTROL.				
School Board and Clerk	$	$	$	$
School supplies and other expenses for Board and Clerk				
Salaries for high school administration	$			
Supplies for high school administration				
Transportation for high school administration				
Other expenses of high school administration				
II. INSTRUCTIONAL COST.				
Salaries of Supervisors				
Expenses of Supervisors				
Salaries of Teachers				
Text Books				
Supplies for Instruction				
III. MAINTENANCE OF PLANT.				
Repairs and upkeep of Buildings and Grounds				
Repairs, Replacement and Upkeep of Equipment				

General.

Instructional.

Maintenance of plant.

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Operation of plant.

IV. OPERATION OF PLANT.

Salaries of Janitors and Engineers .....
Supplies for Janitors and Engineers .....
Fuel .....
Light and Power .....
Water .....
Other Operating Expenses .....

Auxiliary agencies.

V. AUXILIARY AGENCIES.

Libraries .....
Health .....
Transportation and Rent .....
Other Expenses .....

Fixed charges.

VI. FIXED CHARGES.

Rent, Interest, Pensions, Insurance, etc. .....

Capital outlay.

VII. CAPITAL OUTLAY.

New Grounds, Building and Alterations..$..... $..... $..... $.....
New Equipment .....

TOTAL FOR MAINTENANCE OF SCHOOL INCLUDING CAPITAL OUTLAY.

Liquidation of debts.

VIII. LIQUIDATION OF DEBTS.

A. Redemption of Bonds .....
General Fund .....
Sinking Fund .....
Building Fund .....
Refunding Bonds.....
Interest on Bonds.....

B. Other Debts.

Registered Warrants .....
Interest on Registered Warrants.....

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IX. MISCELLANEOUS. Miscellaneous.

Refunds and Transfers				

TOTAL EXPENSES FOR ALL PURPOSES

General High School Fund				
Sinking Fund				
High School Building Fund				
Total All Funds				

X. CASH RESERVE REQUIRED TO MAINTAIN HIGH SCHOOL FROM JULY 1 TO DECEMBER 1 OF FOLLOWING YEAR. Cash reserve.

TOTAL	$	$	$	$

PART II—ESTIMATE RECEIPTS Receipts, estimated.

	1. Actual Receipts Last Completed School Year. 193..... - 193.....	2. Actual and Estimated Receipts Current School Year. 193..... - 193.....	3. Estimated Receipts Ensuing School Year. 193..... - 193.....	4. Approved Receipts Ensuing School Year. 193..... - 193.....

XI. RECEIPTS. Receipts.

A. County High School Levy	$	$	$	$
District High School Levy	$	$	$	$
State Funds for High School	$	$	$	$
Other Sources for High School	$	$	$	$
Total Receipts for Maintenance of High School				
TOTAL RECEIPTS ALL SOURCES				

Dated....., 193.....

.....

Clerk or Secretary of Board.

.....

Chairman or President of Board.

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Two forms to be sent to Clerk of each district.

Section 3. The County Superintendent of Schools shall, before the tenth day of April, in each year, transmit two (2) copies of the budget form to the Clerk of each school district maintaining a district high school, and to the Clerk of the county high school, if any, which shall contain an estimate of revenues the school district or county high school will probably receive during the ensuing school year for high school purposes, for the guidance of the Board of Trustees in making out the preliminary budget for the school district or county high school, which estimate shall be in substantially the following form:

Contents.

Purpose.

Form for estimate.

COUNTY SUPERINTENDENT'S ESTIMATE OF HIGH SCHOOL REVENUES.

A. General Fund.

1. Apportionment of county high school levy $.....
2. District high school levy, if any.....$.....
3. State funds for high school .....$.....
4. From all other sources .....$.....

Total estimated revenues for maintenance .....$.....

Certificate by County Superintendent.

The County Superintendent of Schools shall, before sending out such budget forms, attach a certificate to the forms for each district and the county high school, if any, signed by the County Superintendent, showing the total number of high school pupils enrolled and in regular attendance for forty (40) days, or more, during the then current school year, in such district or county high school, for the purpose of enabling the Board of Trustees to determine the maximum amount of the budget which they may adopt for maintaining the district or county high school in accordance with the provisions and limitations contained in Section 5 of this Act, which certificate shall be in substantially the following form.

Contents.

Form.

COUNTY SUPERINTENDENT'S CERTIFICATE

I hereby certify that the total number of pupils eligible for budgeting enrolled in the.....high school during the school year 193.... - 193.... is.....

.....

County Superintendent of Schools.

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Upon receipt of such budget forms the Clerk of the Board must insert in columns 1 and 2 thereof, the amount actually expended for each of the various items set forth therein during the last fully completed school year and the amount appropriated for each of such various items in the approved budget for the then current school year, and in columns 1 and 2 of Part II of such budget forms the actual receipts for the last fully completed school year and the actual and estimated receipts for the then current school year, and such Clerk must then deliver such budget forms to the Board of Trustees at their first meeting thereafter.

Duty of Clerk on receiving budget forms.

Section 4. The County Superintendent of Schools must, during the month of May, in each year, and before the thirty-first day of such month, cause a notice to be published one (1) time in the official newspaper of the county stating that the Board of Trustees of each school district maintaining a high school, and of the county high school, if there be one, will meet in session on the second Monday in June, at the usual place of meeting, and will at such meeting prepare and adopt a preliminary budget for all purposes connected with the district or county high school for the next ensuing school year, and that any taxpayer may appear at such meeting and be heard on such preliminary budget; provided that, instead of publishing a separate notice of the meetings of such Boards of Trustees for such purpose, the same may be included in the notice of meetings of the Boards of Trustees of school districts for the purpose of adopting preliminary budgets for elementary grades of such school districts, provided for in Section 5 of Chapter 146 Session Laws, 1931.

County Superintendent must give notice in May calling meeting of Boards.

Purpose of meeting.

Who may attend.

Same notice may include budgets for grades.

Section 5. The Board of Trustees of every district maintaining a high school and of every county high school, shall meet at the regular place of meeting of the Board on the second Monday in June and consider, prepare and adopt a preliminary budget for the next ensuing school year for all high school purposes, and any taxpayer may appear at such meeting and be heard in regard to the preliminary budget. Such meeting may be continued from day to day, but not exceeding three (3) days in all for third class school districts, or five (5) days in all for first and second class school districts and county high schools.

When Board must meet.

Must prepare and adopt preliminary budget.

Time for meetings.

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Restriction as to amounts to be appropriated.

The total amount appropriated in Part I of the preliminary budget for any high school shall not exceed the total amount of estimated receipts for the general fund of such high school, as set out in the County Superintendent's estimate of high school revenues, contained in the budget form, and the total amount appropriated in Part I of the preliminary budget for any high school shall not, in any event, exceed per eligible pupil enrolled and in regular attendance for forty (40) days or more during the then current school year in which the preliminary budget is adopted, the following maximums: (a) For a high school enrolling sixty (60) or fewer pupils the budget shall not exceed One Hundred Seventy Dollars ($170) for each such pupil; (b) In high schools enrolling more than sixty (60) pupils the maximum of One Hundred Seventy Dollars ($170) shall be decreased at the rate of Thirty Cents (30c) for each pupil in excess of sixty (60) until the number of such pupils shall have reached two hundred (200) and at the rate of Ten Cents (10c) per pupil for each pupil in excess of two hundred (200) until the number of such pupils shall have reached three hundred and thirty (330); (c) For high schools enrolling three hundred and thirty-one (331) or more pupils the maximum shall be One Hundred Fifteen Dollars ($115); (d) In districts where an application to establish a high school or high schools has been approved by the State Superintendent of Public Instruction, the maximum for the first year shall be the same as that provided for under Subdivision (a) of this section; provided, that nothing herein contained shall be construed as preventing any school district from voting upon itself an additional levy for high school purposes, in accordance with the general school laws pertaining to the voting of additional levies by school districts. For the purpose of ascertaining and determining the number of pupils enrolled and in regular attendance for forty (40) days or more, for all of the purposes of this Act, there shall be excluded all pupils over the age of twenty-one (21) years and all pupils who have completed four (4) years of accredited high school work prior to the beginning of the school year in which the preliminary budget is adopted.

Maximums allowed.

May still vote an additional levy.

What pupils shall be included.

Section 6. When the Board of Trustees has determined the amount necessary to be expended during the

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ensuing school year for each item and purpose contained in the budget form, there shall be entered in column 3 of Part I of such form the amount so proposed to be expended for each such item and purpose, and in column 3 of Part II of such form the amounts which it is estimated will be received for high school purposes from all sources, and the budget forms shall then be signed by the Clerk or Secretary and the Chairman or President of the Board of Trustees, and shall constitute the preliminary budget for the district or county high school.

Contents of preliminary budget.

The Clerk of the Board must transmit or deliver both copies of such preliminary budget, when so completed, and not later than July first, to the County Superintendent of Schools. Whenever any item in the preliminary budget shall provide for the payment of salary or compensation to more than one (1) person, there shall be set forth on a separate sheet, but attached to and made a part of the preliminary budget, each position or employment with the salary or compensation to each person filling the same.

Preliminary budget sent to County Superintendent.

Salaries.

Section 7. If for any reason the Board of Trustees of a district or county high school shall fail to prepare and submit its preliminary budget, as herein required, the County Superintendent of Schools shall, on or before July tenth, prepare a preliminary budget for such district or county high school in accordance with the provisions of this Act, and shall note thereon the specific reasons why it was prepared by such County Superintendent, and thereafter such proceedings shall be had as though said budget had been prepared and submitted by the Board of Trustees.

Effect of failure to submit preliminary budget.

Section 8. In counties where students attend a high school outside of the county of their residence as provided in Section 81 of Chapter 148 Session Laws, 1931, or have been placed in a state institution, it shall be the duty of the County Superintendent of Schools, on or before the third Monday in July to prepare a budget which shall be equal to Sixty-five Dollars ($65.00) for each student whose attendance outside of his county has been so authorized, or who is an inmate of a state institution.

Budgeting where students attend high school and of resident county or have been placed in state institution.

Secton 9. The County Superintendent of Schools, when publishing the notice that the preliminary budgets

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Notice for action on grade budget shall include high school budget.

of school districts for elementary grades are on file in such office and that the Board of School Budget Supervisors will meet on the fourth Monday in July to consider and act on the same, as provided in Section 8 of Chapter 146 Session Laws 1931, shall include in such notice similar statements with regard to the preliminary budgets for district high schools and the county high school, if any.

Statement to be prepared by County Treasurer.

Section 10. Between the thirtieth day of June and the tenth day of July, the County Treasurer shall prepare a statement for each school district maintaining a high school and for the county high school, if any, showing the amount of cash on hand, if any, in the district or county high school fund at the close of the last school year, and obligations to be met during the current school year, which statements must be attached to the preliminary high school budgets for such district, and county high school, and which shall be in substantially the following form:

Attached to budget.

Form.

INFORMATION FROM RECORDS OF COUNTY TREASURER'S OFFICE.

Cash on hand June 30, 19...., and obligations to be met.

1. Cash on hand in district or county high school fund (including reserve) .....$.....
2. Amount of unpaid registered warrants outstanding against the district or county high school fund .....$.....

.....

County Treasurer.

Tax levy.

Section 11. In each county in which one or more high schools are maintained, the Board of County Commissioners shall annually, on the second Monday in August levy a special tax for such high school or high schools, which special tax shall not exceed seven (7) mills; except in counties in which a seven (7) mill tax levy will not produce One Hundred Twenty-five Dollars ($125) for each pupil residing in the county regularly, and enrolled and attending high school in the county for not less than forty (40) days during the last completed school year together with the amount contained in the budget provided for in Section 8 of this Act for pupils

Limitations.

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authorized to attend high school outside of the county. In such counties the levy shall not exceed a rate which will produce One Hundred Twenty-five Dollars ($125) for each pupil residing in the county and regularly enrolled and attending high school in the county for not less than forty (40) days during the last completed school year together with the amount contained in the budget provided for in Section 8 of this Act for pupils authorized to attend high school outside of the county. The proceeds of such special tax levy shall be carried by the County Treasurer in a fund to be known as "High School Tax Levy Fund", and shall be apportioned in December and June of each year by the County Superintendent of Schools in the following manner: At each such apportionment there shall be deducted from the proceeds of such tax then in the high school tax levy fund, one-half (½) of the amount contained in the budget for pupils authorized to attend high school outside of the county, and the remainder shall be apportioned amongst the districts maintaining high schools, and the county high school if there be one, in the proportion which the amount of the maximum budget each such high school might adopt under Section 5 of this Act bears to the total amount of the maximum budgets which all of such high schools might adopt under said section.

"High School Tax Levy Fund."

Apportionment of proceeds from taxes.

Section 12. On the fourth Monday in July, at the hour of ten o'clock A. M., the Board of School Budget Supervisors of each county shall meet in the office of the County Superintendent of Schools. The County Superintendent, as Clerk of said Budget Board, shall lay before the Budget Board all of the preliminary budgets adopted by the Trustees of the several school districts maintaining high schools, and the budget of the county high school, if there be one, and said Budget Board shall proceed to examine and consider such budgets. The Board may adjourn its meeting from day to day but must approve and adopt the final budget for each such school district, and county high school, and fix and determine the amount to be raised by the special high school tax levy not later than the second Monday in August and before the fixing of such high school levy. At such meeting, and at all adjournments thereof, any taxpayer may appear before the Budget Board and be heard on

When Budget Board shall meet.

Duties.

Last day for action.

Who may attend.

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the budget for any district, or on the budget for a county high school and on any item or amount contained therein.

Power of Budget Board.

Section 13. At such meeting the Budget Board shall have the power to make any changes or corrections it may deem necessary or proper in any item or amount contained in any high school budget, either by eliminating or striking out any item or amount contained therein, or by increasing or reducing the amount of any item, and when it appears to the Budget Board that the amount proposed to be expended for any item, as shown by a preliminary high school budget, is in excess of the amount actually required to be expended for such item, the Board must reduce such amount to the amount actually required to be expended therefor; provided, however, that in the event the Board of Budget Supervisors shall reject any such budget in whole or in part it shall cause the reasons for its rejection to be spread upon its minutes and a copy thereof to be immediately furnished to the Chairman of the Board of Trustees which has submitted the budget, and provided further, that no final action on said budget shall be taken by the said Board of Budget Supervisors until after a hearing thereon shall have been had, which hearing shall be held by the said Board of Budget Supervisors on the first Monday in August after said budgets shall have been submitted. At said hearing the Chairman of the Board of Budget Supervisors, or a member of that body appointed by him; the Chairman of the Board of Trustees of the district or county high school submitting such budget, or a member of the Board appointed by him; and the County Superintendent of Schools shall constitute a Board of Review. This Board of Review shall have the power and it shall be its duty to consider such rejected budget and to arrive at a budget by a majority vote which shall not be subject to further review.

Must record reasons for rejecting budget in part or whole.

Hearing on budget.

Board of Review.

Power.

When an adjustment shall be made.

If it shall appear to the Budget Board that the amount which may be raised by the special high school tax levy within the limit prescribed by Section 11 of this Act, when added to the amount of the County Superintendent's estimate of receipts for all such districts, and the county high school, if any, as set forth in the preliminary budgets, will not be sufficient to pay the full amount of estimated expenditures for all purposes to be paid from

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the general high school funds as set forth in the preliminary budgets of all such districts, and county high school, if any, then the Budget Board must adjust and reduce the amounts proposed to be expended, as shown in the preliminary budgets, in such manner and to such extent that the total estimated expenditures, as shown in the preliminary budgets of all such districts, and county high school, if any, will not exceed the total amount of such estimated receipts and proceeds of the lawful tax levy which may be made under the provisions of Section 11 of this Act, provided, that for the purpose of determining for what particular items contained in any preliminary budget the amounts to be expended are to be adjusted or reduced, the Budget Board may call in and question the members of the Board of Trustees and the Clerk of the district or county high school and in adjusting or reducing such amounts the Budget Board shall be guided, as far as possible by their wishes; provided, further, that if any contract has been entered into between the Board of Trustees of any school district, or county high school, and any teacher, principal or other person, by the terms of which contract such teacher, principal or other person has been employed for the school year for which the preliminary budget has been prepared, or when any teacher or principal, by reason of employment during the last school year, is entitled under the provisions of Section 1075 Revised Codes of Montana, 1921, as amended by Chapter 87 Session Laws 1927, to retain his position and salary during the school year for which the preliminary budget was prepared, the Board of School Budget Supervisors must not make any change in any item for salaries or wages which will reduce or in any manner affect the salary or wages of such teacher, principal or other person.

Power of Budget Board to question Trustees and Clerk.

When salaries may not be affected.

Section 14. When the Budget Board has determined and fixed the amount which may be expended for each item in the budget of a school district maintaining a high school or in the budget of a county high school, it shall enter the amount so fixed for each item in column 4, Part I, of the budget, and the amount so entered in such column for each item and the total of all amounts so entered in such column shall constitute the final budget and the appropriations for such school district, or county high school, for the current school year, and the

What constitutes final budget.

Limited to provisions of final budget.

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Board of School Trustees and all officers and employees of such district, or county high school, shall be limited in the making of expenditures or incurring of liabilities to the amount of such detailed appropriations, respectively; provided that transfers may be made from the appropriation for one item to the appropriation for any other item, as hereinafter provided. Expenditures made, liabilities incurred or warrants issued in excess of any of the final budget detailed appropriations, as originally determined or as revised by transfer, as hereinafter provided, shall not be a liability of the district or of the county high school and no money of the district, or county high school, shall ever be used for the purpose of paying the same.

Any excess over final budget will never be paid.

Section 15. Whenever it appears to the Board of Trustees of any school district maintaining a high school, or of a county high school, that the amount appropriated for any item in the final high school budget is in excess of the amount actually required to be expended for such item during the year for which such budget was adopted, and that the amount appropriated for any other item in such final budget, and payable from the same fund, is less than the amount which will be actually required for such item during such school year, such Board of Trustees may direct the Clerk to notify the County Treasurer in writing to transfer the excess appropriation, or so much thereof as may be necessary, from such item to the item for which the appropriation is deficient, and the County Treasurer must thereupon make a transfer of such amount. Provided, however, that no transfer shall ever be authorized by a Clerk of a school district, and no transfer shall ever be made by a County Treasurer between any appropriation made in a budget for maintaining a high school or high schools and any budget appropriation for maintaining elementary grade schools in the same district.

Adjustment between items of budget.

May transfer excess of one item to another which needs.

Proviso.

When Act not effective.

Emergency.

Judgment for damages.

Section 16. The provisions of this Act shall not apply in the case of any emergency caused by the destruction or impairment of any school property necessary for the maintenance of a high school, or by the entering by a Court of a competent jurisdiction of a judgment for damages against the district, or a county high school, or by enactment of legislation, after the adoption of any final

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budget, requiring expenditures not contemplated therein, but the Trustees of any district, or county high school, when such emergency arises therein, may proceed, in any manner authorized by law, to levy taxes, raise funds, and make expenditures to meet and overcome such emergency. Legislative enactments.

When appropriations lapse.

Section 17. All appropriations, other than appropriations for uncompleted improvements in progress of construction, shall lapse at the end of the school year; provided that appropriation accounts shall remain open for a period of twenty (20) days thereafter for the payment of claims incurred against such appropriations prior to the close of the school year and remaining unpaid. After such period shall have expired all appropriations, except as hereinbefore provided regarding uncompleted improvements, shall be null and void and any lawful claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget.

Payment of claims unpaid.

Statement for amounts to be raised by tax levies.

Section 18. After the Budget Board has completed and adopted the final budget for high school purposes for each district maintaining a high school, and for the county high school, if any, said board shall prepare and attach to each such budget a statement showing the amount necessary to be raised by tax levies for high school purposes, which statement shall be substantially as follows:

Form.

SUMMARY OF REQUIREMENTS.

A. MAINTENANCE OF HIGH SCHOOL.

1.	Total budget for maintenance including capital outlay	$.....
2.	Registered warrants per Treasurer's statement, with interest thereon	.....
3.	Cash reserve required to maintain high school from July 1 to December 1 of following year	.....
4.	Total required for maintenance of high school. (Add lines 1, 2, and 3)	$.....
5.	Cash on hand in high school fund of district or county high school as per Treasurer's statement	.....
6.	Receipts as estimated for high school maintenance	.....

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7. Total cash and estimated receipts. (Add lines 5 and 6) .....$.....
8. AMOUNT TO BE RAISED BY SPECIAL COUNTY HIGH SCHOOL LEVY. (Deduct line 7 from line 4).....$.....

Budgets to be laid before County Commissioners.

Section 19. The County Superintendent of Schools, as Clerk of the School Budget Board, shall, when the Board of County Commissioners meets on the second Monday in August for the purpose of fixing tax levies, lay before such Board the budgets for all school districts in the county maintaining high schools and for the county high school, if there be one, and the budget prepared by the County Superintendent of Schools under Section 8 of this Act for pupils authorized to attend high schools outside of the county and the budgets for joint school districts maintaining high schools as provided in Section 25 of this Act, as finally adopted and approved by the School Budget Board, and the Board of County Commissioners shall determine from all such budgets the amount necessary to be raised by the special high school tax levy, and endorse the same on each and all of such budgets and shall fix such number of mills of such tax levy within the limits prescribed by Section 11 of this Act, as will produce such amount.

County Commissioners shall determine tax levy necessary.

Filing of budget and submitting copies thereof.

Section 20. After the final budgets for all school districts maintaining a high school, and for the county high school, if any, and the budget prepared by the County Superintendent of Schools under Section 8 of this Act, and the joint district budgets have been approved and adopted by the Budget Board, the County Superintendent of Schools as Clerk of such Board shall file such final budgets in the office of the Budget Board, and shall make a full and complete copy of each thereof and transmit said copy to the State Superintendent of Public Instruction on or before the first day of September. And the County Superintendent shall, before the first day of September, send to the Clerk of the Board of School Trustees of each school district and to the Clerk of the Board of Trustees of the county high school, if any, and deliver to the County Treasurer, a copy of so much of each of such final budgets as approved and adopted by such Budget Board, as shows the different items for which appropriations were approved by such Budget Board and the amount of the appropriation approved for each such item.

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Duty of County Treasurer after receiving a copy of budgets.

Section 21. When the County Treasurer has received from the County Superintendent, as Clerk of the Budget Board, a copy of so much of the said budgets as shows the items and appropriations approved by the Budget Board, as provided in Section 20, the County Treasurer shall open an account on his books with each school district for which a final high school budget was adopted, and for the county high school, if any, and shall enter in such account each item for which any appropriation was made in such final budget and the amount appropriated therefor. The account for high school budget for each such district shall be separate and distinct from the account for elementary school budget for such district. If the Clerk of any school district, or of a county high school shall direct the County Treasurer to transfer any amount from one item of the final high school budget to another item of such budget, as authorized in this Act, the County Treasurer shall make such entries in the account of such school district, or county high school, as will show such transfer.

Accounts must be separate from grade budgets.

Clerk to issue warrants in triplicate.

Section 22. The Clerk of each school district, and of the county high school, if any, must issue all warrants drawn against any fund for high school purposes in triplicate, and each thereof shall show on its face the particular item appropriation as set forth in the final budget, against which the warrant is drawn. The original warrant shall be delivered to the person entitled thereto; the duplicate, across the face of which shall be printed or endorsed "Not Negotiable—Copy for County Treasurer", shall be mailed to the County Treasurer immediately after the original has been drawn and signed; and the triplicate across the face of which shall be printed or endorsed "Not Negotiable—Copy for Clerk of School District", or "Non-Negotiable — Copy for Clerk of County High School", as the case may be, shall be retained by the Clerk of the school district or county high school as a receipt for such disbursement.

Disposition and marking of copies of warrants.

Duty of Treasurer on receiving duplicate of warrant.

Section 23. Immediately on receiving the duplicate of any warrant issued by any school district for high school purposes, or by a county high school, the County Treasurer shall enter in the high school account of such district or county high school under the proper item of appropriation, the amount of such warrant and the num-

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ber thereof, so that each item of appropriation will at all times show the amount of the unexpended appropriation made therefor in the final budget.

When payment to be refused.

Whenever the high school account of any school district, or of a county high school, shows that the amount appropriated for any item by the final budget has been exhausted, or that the amount for which any warrant has been drawn is greater than the unexpended balance appropriated for such item, the Treasurer must note such fact on the account when entering the amount of such warrant in such account, and must not pay the original warrant, or register the same, when presented to him, but he shall endorse across the face thereof the "Payment and Registration Refused Account Insufficient Appropriation" and return the same to the person presenting it for payment or registration.

When notice of pending overdraft shall be given by Treasurer.

Whenever it appears to the County Treasurer, after entering the amount of any warrant in the high school account of any school district, or county high school that the item appropriation against which the warrant is issued is so nearly exhausted that the issuance of any additional warrant or warrants against the same will exhaust or exceed such appropriation, the Treasurer shall immediately notify the Clerk of the school district, or county high school, of such condition and no warrant must thereafter be issued by such Clerk against such appropriation item which will exceed the unexpended balance of the appropriation therefor.

Joint school districts in one county.

Section 24. When a joint school district maintains high school in only one county the County Superintendent of Schools, the Board of School Budget Supervisors and the County Treasurer of such county shall be the Superintendent, Budget Board and County Treasurer to perform the duties imposed by this Act with reference to high school budgets and accounts for such joint district.

When in more than one county.

When high schools of a joint district are maintained in more than one county the County Superintendent of Schools, Board of School Budget Supervisors, and County Treasurer of the county to perform the duties imposed by this Act with reference to the high school budgets and accounts of the joint district shall be designated by the State Superintendent of Public Instruc-

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tion. High school budgets for joint school districts shall be filed with the County Superintendent of the county who is required to perform the duties imposed by this Act with regard to such budgets.

Duty of County Superintendent as to joint districts.

Section 25. As soon as the preliminary high school budget for a joint district is filed with a County Superintendent of Schools such Superintendent shall ascertain and determine the total number of high school pupils residing within such district eligible for ascertaining the maximum amount for which such district may budget for high school purposes, as provided in Section 5 of this Act, and the total number of such pupils residing in each county in which any part of the joint district is situated. The County Superintendent shall then apportion the amount which it is estimated will be received by such joint district from the county high school levy, as shown in Part II of such budget, between such counties in proportion to the number of such high school pupils residing in each county, and shall enter on such preliminary high school budget of the joint district a certificate reciting such facts, which shall be substantially as follows:

Form for apportionment of funds of joint high school district.

APPORTIONMENT OF JOINT SCHOOL DISTRICT HIGH SCHOOL FUND.

Total number high school pupils residing within the joint district regularly enrolled and attending high schools of the district for not less than forty (40) days during the last completed school year .....

Total number of such pupils residing within..... county.

Total number of such pupils residing within..... county.

Total amount for preliminary high school budget required to be raised by county high school levy..... .....$.....

Amount apportioned to.....County, $.....

Amount apportioned to.....County, $.....

.....

County Superintendent of.....County, Mont.

Copies of.

Such County Superintendent shall, not later than the twentieth day of July transmit a copy of such certificate to the County Superintendent of every other county in which any portion of the joint school district is situated.

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How Commissioners will apportion amount to be raised by taxes between counties having joint districts.

Section 26. The Board of County Commissioners designated to perform the duties imposed by this Act in connection with the high school budget of a joint district, when the high school budget for such district as finally approved and adopted has been laid before such Board, shall apportion the amount shown in the summary attached thereto to be raised by the special high school tax levy for high school maintenance purposes in such joint district, between the counties in which the joint district is situated, in proportion to the number of eligible high school pupils of the district residing in each county as shown by the certificate of the County Superintendent of Schools attached to such budget, and in determining the amount to be raised for maintenance of all high schools in the county by the special high school tax levy, shall include the amount apportioned to such county for such joint school district. The County Superintendent of each other county shall, at the time the high school budgets for such county, as finally approved and adopted, are laid before the Board of County Commissioners of such county include all such certificates received from the County Superintendents of other counties, and the amount apportioned to such county in such certificates shall be deemed the high school budgets for such joint districts within such county, and the Board of County Commissioners in determining the amount to be raised by the special high school tax levy for the maintenance of all high schools in such county, shall include the amounts apportioned to such county for such joint school districts as shown by such certificates. In the event a seven (7) mill tax levy will not produce the amount required for high school maintenance purposes in any county in which any part of a joint district is situated, then in fixing the amount of such levy the number of such pupils residing in and attending school within that part of the joint district situated in such county shall be taken, with all other eligible high school pupils in the county, for the purpose of determining the rate of tax levy necessary to produce One Hundred Twenty-five Dollars ($125) per pupil for each of such pupils, as provided in Section 11 of this Act.

Amount of levy.

Apportioning proceeds.

Section 27. In apportioning the proceeds of the special high school tax levy in accordance with the provisions of Section 11 of this Act, in any county in which

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a joint school district maintains a high school or high schools, that part of the joint district within such county shall be treated as a school district entirely within such county and the eligible pupils residing in such part of the joint district shall be included in apportioning the proceeds of the special high school tax levy.

County Treasurers to transmit funds to county keeping budget and accounts.

Section 28. The County Treasurer of each county in which any part of a joint school district, maintaining a high school, or high schools, is situated, shall, on the fifteenth day of December in each year, and at the end of every three (3) months thereafter, transmit all moneys in his possession belonging to such joint school district, to the County Treasurer of the county required to keep the budget and high school accounts of the joint district.

Care of money received.

Section 29. The moneys apportioned to or received by any school district or county high school under the provisions of this Act shall be held by the County Treasurer of the county to the credit of the school district or county high school as its high school fund and separate and distinct from all other public moneys, and disbursements therefrom shall be made for high school purposes only by warrant as provided in Sections 22 and 23 of this Act.

Treasurer shall not pay out any money until apportioned.

Section 30. The County Treasurer shall not pay out any moneys received for the maintenance of high schools from the levy of the special high school tax until the County Superintendent of Schools has apportioned the proceeds of such tax among the high schools entitled to share therein and in the manner provided in this Act. But the Board of Trustees of any school district maintaining a high school, or any county high school may draw warrants against its high school fund before such apportionment, provided that the aggregate of all such warrants drawn against any such high school fund does not exceed one-half (½) of the amount estimated in the high school budget to be received from such tax as set out in such budget; and provided that nothing herein contained shall be construed as prohibiting the issuance and payment of warrants by any Board of Trustees of a county high school, or of a school district maintaining a district high school out of any other moneys belonging to its high school fund which may have been theretofore apportioned to it, or which it may have received from other sources, than the special high school tax.

Board may draw before apportionment.

Limitations.

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State Superintendent of Public Instruction allowed general supervision.

Section 31. The State Superintendent of Public Instruction shall have general supervision over the enforcement of the provisions of this Act, and shall have the power and it shall be the duty of such Superintendent to adopt and promulgate suitable and proper rules and regulations to secure such enforcement and to require compliance therewith. Such Superintendent shall, whenever it is deemed necessary to secure proper enforcement of the provisions of this Act, make such changes as may be deemed necessary in any of the forms or statements contained in this Act, and shall furnish each County Superintendent with a copy of all such forms and statements, and it shall be the duty of each County Superintendent to cause a sufficient number of such forms to be printed for use in the county. Every county high school and school district maintaining a high school shall use the forms prescribed herein, or as changed by the State Superintendent of Public Instruction; provided that if any such school district or county high school desires to use any form more fully itemized than the corresponding form contained herein, the same may be so used upon obtaining the approval and consent of such Superintendent.

Furnish forms.

Promulgate rules if necessary.

Repealing clause.

Section 32. Sections 86, 87, 88, 89, 90, 91, 92, 93 and 94 of Chapter 148 Session Laws 1931, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

When effective.

Section 33. This Act shall be in full force and effect on and after its passage and approval, provided, however, that all budgets adopted for district high schools and county high schools for the school year ending June 30, 1933, shall continue to be in full force and effect until the close of such school year and none of the provisions of this Act shall apply in any manner to such budgets.

Approved March 16, 1933.

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CHAPTER 179

An Act to Amend Section 1203 Revised Codes of Montana, 1921, as Amended by Chapter 145, Session Laws 1929, Relating to Special School Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1203 Revised Codes of Montana, 1921, as amended by Chapter 145, Session Laws 1929, be, and the same is hereby amended so as to read as follows:

"Section 1203. On or before the second Monday in August the Board of Trustees of each school district shall certify to the County Commissioners the amount of money needed by the district schools, over and above the amount apportioned to it by the County Superintendent under the provisions of Section 1204 of this Code, to maintain the schools of said district, to furnish such appliances and apparatus as may be needed, and, in districts of the first and second class, to maintain a school term of at least nine (9) months in each year, and such Trustees shall, at the same time, in addition to the foregoing, separately certify the amount of money needed as a reserve fund for maintaining the elementary and high schools of the district from July first to November thirtieth, of the next succeeding school year; provided, that the budget of any school district, after the same is finally approved and adopted, shall be deemed and considered to be in lieu of and to take the place of such certificates. Such reserve fund shall not exceed twenty-five per centum (25%) of the amount appropriated in the final and approved budget of the district for the then current school year. The Board of County Commissioners shall thereupon levy a special tax for such purposes, not exceeding ten mills per dollar on the taxable property of the district, such tax to be computed on the same percentages as taxes for other purposes are computed, and to be levied and collected at the same time and in the same manner as other taxes are levied and collected for county and school purposes. No part of the first half of the taxes levied or assessed during a school year for maintenance purposes shall be set aside or appropriated for such reserve, but the whole amount

When Trustees shall certify amount of money needed by district schools.

Also money needed as reserve fund.

Budget to be in lieu of these certificates.

Tax levy.

Separate funds.

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of such reserve shall, immediately after the first day of June, be set aside out of the second half of the taxes levied and assessed during such school year for maintenance purposes, and such reserve fund, when so set aside shall be carried in a separate fund and no part thereof shall be used by the district for any school purpose during such school year, provided, however, that if such school district shall have, at the end of such school year, any registered and outstanding warrants against its general fund, and shall be without sufficient money in such fund to call in and pay the same with the interest thereon, such reserve fund, or so much thereof as may be necessary, shall be used to call in and redeem and pay such warrants with interest thereon."

May call in outstanding warrants.

Repealing and saving clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed, but none of the provisions of this Act shall be deemed or considered as being in conflict with or repealing any of the provisions of Chapter 146, Session Laws 1931.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 180

An Act Requiring Every Person, Firm, Co-partnership, Association, Joint Stock Company, Syndicate and Corporation Engaging in or Carrying on the Business of Distributing Natural Gas Within This State or Conducting Natural Gas Produced Within This State Through a Pipe Line to a Point Outside the State; to Pay to the State Treasurer for Engaging in Carrying on Such Business Certain License Fees for the Exclusive Use and Benefit of the State of Montana; Fixing the Amount of Such License Fees; Prescribing a Method for the Assessment and Collection Thereof; and Prescribing Penalties for Violations of the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Definition of "person."

Section 1. The term "person", as used in this Act, shall mean and include any individual, firm, co-partner-

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ship and every corporation, joint stock company, syndicate and association.

Who shall pay tax.

Section 2. Every person engaged in or carrying on the business of distributing to the public within this state, natural gas, produced, or not produced within this state, or conveying through a pipe line gas produced within this state for the purpose of use outside this state, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within this state, any system or plant for the distribution of natural gas, produced, or not produced within this state, to the public within this state, must, for the year 1933, and each year thereafter when engaged in carrying on such business in this state, pay to the State Treasurer for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business, an amount equal to one-eighth (⅛) of one (1) cent for each one thousand (1000) cubic feet of such natural gas, produced within this state, or not produced within this state, and distributed by such person to the public within this state, during such year, or conveyed through a pipe line to a point outside this state during such year, except in connection with the operating of natural gas wells from which the same was extracted or produced, or delivered by such person to any other person for sale, and that the standard or base pressure to be used in the measurement of such gas so distributed for determining the amount of license tax imposed hereunder shall be ten (10) ounces above an atmospheric pressure of fourteen and four-tenths (14.4) pounds per square inch, and at a temperature of sixty (60) degrees Fahrenheit, regardless of the atmospheric pressure and temperature at the point of measurement, and all measurements of gas shall be reduced, by computation, to these standards no matter what may have been the pressure and temperature at which gas was actually produced or measured; provided, however, that nothing in this Act shall be construed as requiring laborers, employees, hired or employed by any person to work on or about, or in connection with any natural gas well property or business, to pay such license taxes, nor shall any work required to be done in prospecting for, or in developing, or opening up any natural gas property or plant, be deemed to be carrying on of a natu-

Amount of tax.

Standard or base pressure to be used in measuring.

Parties not affected by tax.

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ral gas business, or engaging in the business of working or operating of a natural gas well or plant; provided further, that if during any such work of developing any natural gas property, any marketable natural gas shall be extracted or produced and sold, then the same shall be deemed the carrying on of a natural gas business of distributing to the public.

Tax to be paid quarterly.

Section 3. Such annual license tax shall be paid in quarterly installments for the quarters ending respectively, March 31, June 30, September 30 and December 31 in each year, beginning with the quarter ending March 31, 1933, and the amount of license tax due for each quarter shall be paid to the State Treasurer within thirty (30) days after the end of each such quarter.

When certificate and statement must be filed.

Section 4. Each and every person engaged in any such business in the State of Montana at the time when this Act becomes effective must not, later than the thirtieth day of April, 1933, and every person who shall engage in any such business at any time after the date when this Act becomes effective, immediately, upon engaging in any such business, file with the State Board of Equalization a certificate and statement, on forms prescribed by the State Board of Equalization, which shall contain the name under which such person is engaged in carrying on such business in this state, giving the place or places of business and the location of the well or wells, plant or property, owned, leased, controlled or operated by such person in such business; the name and address of the managing agent in this state if an association, corporation, joint stock company or syndicate, or if a firm or co-partnership, the names and addresses of the persons composing the same, of an association, joint stock company, corporation or syndicate, the laws of the state under which organized, its principal place of business, and the names and addresses of its principal officers; and such other information as the Board may deem necessary.

Contents.

Records to be kept.

Section 5. Every such person shall keep a record, in such form as the State Board of Equalization may require, of all natural gas extracted or produced, transported or carried, sold, furnished or delivered by such persons in this state and such records shall at all times

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during the business hours of the day, be subject to inspection of the State Board of Equalization, its members, agents or employees.

When statement of gas shall be furnished.

Section 6. Each and every person must, within thirty (30) days after the quarterly period ending March 31, 1933, and within thirty (30) days after the end of each following quarterly period, make out, in duplicate, on forms prescribed by the State Board of Equalization, and deliver to the State Treasurer, a statement showing the quantity of merchantable or marketable gas produced or extracted, transported or carried, sold, furnished or delivered by such person in the State of Montana during each month of each quarterly period and during the whole of said quarterly period, together with the total amount due the state as license tax for such quarterly period; and must, within such thirty (30) days, and at the same time such statement is delivered to the State Treasurer, pay to the State Treasurer the amount of the license tax shown by such statement to be due to the State of Montana for the quarterly period for which such statement is made; such statement must be signed and verified by the oath of the individual or individuals, or by the president, vice-president, treasurer, assistant treasurer or managing agent in this state of the association, corporation, joint stock company or syndicate making the same. Any such person engaged in or carrying on such business at more than one (1) place in this state, or owning, controlling or operating more than one (1) natural gas well or plant for the distribution of natural gas in this state, may include all thereof in one (1) statement. The State Treasurer shall receive and file all such statements and collect and receive from such person making and filing a statement with him, the amount of tax payable by such person, if any, as the same shall appear from the face of the statement. The State Treasurer shall endorse on each statement as soon as the same is received by him, the date when so received, and the name and post office address of the person from whom received; and the amount of tax, if any, paid by such person; and he must number such statement consecutively, beginning with number one (1) for each year followed by the year. The State Treasurer shall keep a book in such form as shall be approved by the State Board of Equalization, in which he shall enter such

Contents.

When tax must be paid.

By whom signed.

May include in one statement.

Duty of State Treasurer.

Treasurer to keep record.

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statement filed with him in the order in which received and filed, the number thereof, date of filing, name of person making the return and the amount of tax, if any, paid by such person, which book shall be designated "State Treasurer's Record of Natural Gas License Tax." The State Treasurer shall within ten (10) days after the end of each month deliver over to the State Board of Equalization all statements filed with him and not already delivered to said Board, and such statements shall then be filed in the office of, and become a part of the records of the State Board of Equalization. It shall be the duty of the State Board of Equalization to examine each of such statements and compute the taxes thereon, and the amount so computed by the Board shall be the taxes imposed, assessed against and payable by the person making the statement for the quarterly period for which the statement is filed. If the tax found to be due shall be greater than the amount paid, the excess shall be paid by the taxpayer to the State Board of Equalization within ten (10) days after written notice of the amount of the deficiency shall be mailed by the State Board of Equalization to such taxpayer. Provided, that if the tax imposed shall be less than the amount paid, the difference must be refunded to the person making such payment.

Title of.

State Board to examine reports and compute tax.

Adjustment of excess or deficit.

Unlawful not to file reports.

Section 7. It shall be unlawful for any such person to fail, neglect or refuse to file any statement or certificate required by this Act in the manner or within the time herein required, or to make such statement false in any particular way.

Effect of fallure to file statement and power of Board.

Section 8. If any such person shall fail, neglect or refuse to file any statement required by the provisions of this Act within the time therein required, the State Board of Equalization shall immediately after such time has expired, proceed to inform itself, as best it may, regarding the quantity of natural gas extracted and produced, transported or carried, sold, furnished or delivered by such person in this state during such quarterly period and during each month thereof, and shall determine and fix the amount of the license tax due the state from such person for such quarterly period and shall make out a statement, in duplicate, showing the same and shall add to the amount of such license tax a penalty

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of twenty-five (25) per cent thereof and deliver one (1) of such statements to the State Treasurer, who shall proceed to collect the amount of such license tax, with penalty added thereto, and interest on the whole thereof at the rate of twelve (12) per cent per annum from the date of making such statement by the State Board of Equalization, until paid. Penalty.

Upon the request of the State Treasurer, it shall be the duty of the Attorney General to commence and prosecute to final determination, in any Court of competent jurisdiction, an action at law for the collection of the same. Collection of tax.

Section 9. All license taxes collected under the provisions of this Act shall be deposited to the credit of the general fund of the state. Disposition of taxes.

Section 10. Any violation of any of the provisions of this Act shall be deemed a misdemeanor and shall be punished by a fine of not exceeding One Thousand Dollars ($1000), or imprisonment in the county jail not exceeding six (6) months, or both such fine and imprisonment. Penalty for violation.

Section 11. The license tax herein provided for shall be in addition to all taxes and other fees now required to be paid by the persons subject to the provisions of this Act.

Section 12. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held unconstitutional, such decision shall not effect the validity of the remaining portions of this Act. The Legislative Assembly declares that it would have passed this Act, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional. Saving clause.

Section 13. All Acts and/or parts of Acts in conflict herewith are hereby repealed. Repealing clause.

Section 14. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

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CHAPTER 181

An Act Providing for the Levy and Collection of an Income Tax; Providing for Exemptions and Fixing Basis and Rate of Tax; Prescribing the Duties and Powers of the State Board of Equalization in its Administration; Providing Procedure and Machinery for Administration Thereof; Fixing the Jurisdiction of the Courts in Connection with Review and Appeal Under This Act; Providing Penalties for Violations Hereof and Making Appropriations to Carry Out its Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. For the purpose of this Act unless otherwise required by the context:

"Board."

(1) The word "Board" means the State Board of Equalization.

"Taxpayer."

(2) The word "Taxpayer" includes any person or fiduciary subject to a tax imposed by this Act, and does not include corporations.

"Taxable year."

"Fiscal year."

(3) The words "Taxable Year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this Act. The words "Fiscal Year" means an accounting period of twelve (12) months, ending on any day of any month other than December thirty-first.

"Fiduciary."

(4) The word "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, trust or estate.

"Paid."

"Paid or incurred."

"Paid or accrued."

"Received."

"Received or accrued."

(5) The word "Paid" for the purposes of the deductions and credits under this Act means paid or accrued or paid or incurred, and the terms "Paid or Incurred" and "Paid or Accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this Act. The term "Received" for the purpose of the computation of net income under this Act, means received or accrued and the term "Received or Accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this Act.

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"Resident."

(6) The word "Resident" applies only to natural persons and includes for the purpose of determining liability to the tax imposed by this Act with reference to the income of any taxable year, any person domiciled in the State of Montana, and any other person who maintains a permanent place of abode within the state, and spends in the aggregate more than seven months of the taxable year within the state.

"Dividend."

"Stock dividend."

(7) The word "Dividend" means any distribution made by a corporation out of its earnings or profits to its shareholders or members, whether in cash or in other property or in stock of the corporation, other than stock dividends as herein defined. "Stock Dividends" means new stock issued, for surplus or profits capitalized, to shareholders in proportion to their previous holdings.

"Foreign country."

"Foreign government."

"United States."

(8) The words "Foreign Country" or "Foreign Government" mean any jurisdiction other than one embraced within the United States. The words "United States" include the states, the Territories of Alaska and Hawaii, and the District of Columbia.

"Information agents."

(9) The words "Information Agents" include all individuals, corporations, associations and partnerships, in whatever capacity acting, including lessees, or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the state, or of any municipal corporation or political subdivision of the state, having the control, receipt, custody, disposal or payment, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits and income with respect to which any person or fiduciary is taxable under this Act.

"Net income."

(10) The term "Net Income" means the gross income of a taxpayer less the deductions allowed by this Act.

Tax rates.

Section 2. There shall be levied, collected and paid for each taxable year upon the net income of every individual subject to this tax, after making allowance for exceptions and deductions, as hereinafter provided, a tax at the following rates, to-wit:

1%.

(a) On the first Two Thousand Dollars ($2000) of net income, or any part thereof, at the rate of one (1) per centum.

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2%. (b) On the second Two Thousand Dollars ($2000) of net income, or any part thereof, at the rate of two (2) per centum.

3%. (c) On the third Two Thousand Dollars ($2000) of net income, or any part thereof, at the rate of three (3) per centum.

4%. (d) On any net income in excess of Six Thousand Dollars ($6000) at the rate of four (4) per centum.

When tax shall be first levied. Such tax shall first be levied, collected and paid in the year Nineteen Hundred and Thirty-four with respect to the taxable income for the calendar year Nineteen Hundred and Thirty-three, or in the case of any taxable year ending during the year Nineteen Hundred and Thirty-three, the portion of such taxable year beginning January first, Nineteen Hundred and Thirty-three.

Tax on non-resident. Section 3. A like tax is imposed upon every person not resident of this state which tax shall be levied, collected and paid annually, at the rates specified in Section Two (2) of this Act, with respect to his entire net income as herein defined, except as hereinafter provided, from all property owned and from every business, trade, profession or occupation carried on in this state by such person.

Tax a personal debt due state. Section 4. Every tax imposed by this Act, and all increases, interest and penalties thereon, shall be from the time it is due and payable, a personal debt from the person or fiduciary liable to pay the same to the State of Montana.

When inventories may be necessary. Section 5. Whenever, in the opinion of the Board, the use of inventories is necessary in order to determine clearly the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the Board may prescribe, conforming as nearly as may be to the best accounting practice in the trade or business and most clearly reflecting the income.

How net income shall be computed. Section 6. (1) The net income shall be computed upon the basis of the taxpayer's annual accounting period (fiscal year or calendar year as the case may be), in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if

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no such method of accounting has been so employed, or the method employed does not clearly reflect the income, the computation shall be made upon such basis and in such manner as in the opinion of the Board does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year as defined in this Act, or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

Computation of tax when accounting period is changed.

(2) If a taxpayer changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the Board, be computed on the basis of such new accounting period, subject to the provisions of Section Nineteen (19) of this Act.

Return on installment sales.

(3) A taxpayer who regularly sells or otherwise disposes of personal property on the installment plan, may return as income therefrom in any taxable year, that proportion of the installment payments actually received in that year which the total profit realized or to be realized when the payment is completed bear to the total contract price.

Gross income.

Section 7. The term "Gross Income":

(1) Includes gains, profits and income derived from salaries, wages or compensation for personal service, of whatever kind and in whatever form paid, or from professions, vocations, trades, business or commerce; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit. The amount of all such items shall be included in the gross income for the taxable year in which received by the taxpayer; unless under the methods of accounting permitted in this Act, any such amounts are to be properly accounted for as of a different period;

Exemptions from gross income.

(2) But does not include the following items which are exempt from taxation under this Act:

Life insurance proceeds.

(a) The proceeds of life insurance policies and contracts paid upon the death of the insured to individual beneficiaries or to the estate of the insured.

Return of premiums on life insurance.

(b) The amount received by the insured as a return of premium or premiums paid by him under life insur-

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ance, endowment or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract.

Refunds from cooperative associations.

(c) The refunds in the form of patronage dividends paid to members or shareholders or consumers' co-operative associations.

Value of gifts.

(d) The value of property acquired by gift, bequest, devise or descent (but the income from such property shall be included in gross income.)

Accident or health insurance benefits.

Compensation.

Damages.

(e) Any amount received through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness, or through the War Risk Insurance Act or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States, and their dependents.

Salaries of U. S. employees.

(f) Salaries, wages and other compensations received from the United States or officials or employees thereof, including persons in the military or naval forces of the United States.

Stock dividends.

Proviso.

(g) Stock dividends when received by a shareholder shall not be subject to tax, but if before or after the distribution of any such dividend, the corporation proceeds to cancel or redeem its stock at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock shall be treated as a taxable dividend and included in gross income; provided, however, that any stock dividend shall be considered in computing gain, profit or income upon the sale, exchange or other disposition of the stock upon which a stock dividend has been declared or of the stock included in such stock dividend.

Gross income of non-resident taxpayer.

(3) In the case of taxpayers other than residents, gross income includes only the gross income from sources within this state, but shall not include annuities, interest on bank deposits, interest on bonds, notes or other interest-bearing obligations, or dividends on stock of cor-

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porations; except to the extent that such annuities, bank deposits, bonds, notes or other obligations or stocks shall be a part of income from any business, trade, profession or occupation carried on in this state.

Section 8. In computing net income, there shall be allowed as deductions: Deductions.

(1) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, or in the production of income required to be included in gross income under this Act, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity. Ordinary and necessary expenses of trade or business.

(2) All interest paid or accrued during the taxable year on indebtedness. Interest paid or accrued.

(3) Taxes, other than taxes imposed by this Act, paid or accrued within the taxable year and imposed, first, by the authority of the United States, or of any of its possessions, or second, by the authority of any state, or territory, or any county, school district, municipality, or other taxing subdivision of any state or territory, not including those assessed against local benefits of a kind tending to increase the value of the property assessed, or third, by the authority of any foreign government. The Board shall have authority to require the presentation of receipts or other satisfactory evidence that any taxes claimed as a deduction under this subdivision were paid. Taxes.

(4) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business. Business losses not compensated.

(5) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with trade or business; but in the case of a taxpayer other than a resident of this state, only as to such transactions in real property or in tangible personal property having an actual situs within this state. Other losses not compensated.

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Losses by non-resident.

(6) Losses sustained during the taxable year of property not connected with the trade or business (but, in the case of a taxpayer other than a resident, only of real property or tangible personal property having an actual situs within this state) if arising from fires, storms, shipwrecks, or other casualty or from theft, and not compensated for by insurance or otherwise.

Bad debts.

(7) Debts ascertained to be worthless and charged off within the taxable year. In the case of a debt existing on January first, Nineteen Hundred and Thirty-three, no more than its fair market value on that date shall be deducted. A worthless debt arising after January first, Nineteen Hundred and Thirty-three, from unpaid wages, salary, rent, or any similar item with reference to which any person or fiduciary may be taxable, is not an allowable deduction unless the income which such item represents has been included as income by the taxpayer in a return rendered under this Act.

Depreciation and obsolescence.

(8) A reasonable allowance for the exhaustion, wear and tear of property, the income from which is required to be included in gross income under this Act, used in the trade or business, including a reasonable allowance for obsolescence.

Allowance for depletion and depreciation in case of mines or other natural deposits.

(9) In the case of mines, other natural deposits, oil and gas wells and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case, such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the State Board of Equalization; provided, however, for the purpose of determining depletion, depreciation and obsolescence in all cases not expressly provided for in this Act, the provisions of the most recent Act of the Congress of the United States, commonly known as the Federal Income Tax Act, and the rules, regulations and decisions thereunder, insofar as same are applicable and pertinent and not repugnant to or inconsistent with the express provisions of this Act, shall be the rule of decision by the State Board of Equalization.

When Federal income tax rules applicable.

Certain contributions.

(10) Contributions or gifts made within the taxable year to or for the use of:

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(a) The United States, any state, territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes:

To political subdivision for public purposes.

(b) Any corporation, or trust, or community chest fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or to the special fund for Vocational Rehabilitation Act.

Religious, charitable, scientific, literary or educational organizations.

(c) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

War veterans' organizations.

(d) Fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals; to an amount which in all the above cases combined shall not in the aggregate exceed fifteen (15) per centum of the taxpayer's net income as computed without the benefit of this subdivision. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Board.

Certain fraternal societies.

Limitation on all gift deductions.

(11) In the case of a taxpayer other than a resident of this state the deductions allowed in this section shall be allowed only if, and to the extent that they are connected with income arising from sources within the state, and with reference to which a non-resident taxpayer is taxable under this Act; and the proper apportionment and allocation of the deductions with respect to sources of income within and without this state shall be determined under rules and regulations to be prescribed by the State Board of Equalization.

Allocation and taxation of persons whose property is paid in and paid out of state.

Section 9. In computing net income no deductions shall in any case be allowed in respect of:

Non-deductible items.

(1) Personal, living, or family expenses;

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(2) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate;

(3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; or

(4) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

Exemptions.

Section 10. The following exemptions shall be allowed to any taxpayer:

Single person.

(1) In the case of a single person or of a married person not living with or supporting a husband or wife or family, a personal exemption of One Thousand Dollars ($1000).

Married person or head of family.

(2) In the case of the head of a family or a married person living with a husband or wife, a personal exemption of Two Thousand Dollars ($2000). A husband and wife living together shall receive but one personal exemption, the amount of which shall be Two Thousand Dollars ($2000). If such husband and wife make separate returns, the personal exemption shall be equally divided between them.

Dependents.

(3) Three Hundred Dollars ($300) for each person (other than husband and wife) dependent upon and receiving his chief support from the taxpayer, if such dependent person is under eighteen (18) years of age or is incapable of self-support because mentally or physically defective.

Exemptions where status changes during taxable year.

(4) The exemptions allowed by Subdivisions One (1) and Two (2) of this section shall, in case the status of the taxpayer changes during the taxable year, be the sum of (a) an amount which bears the same ratio to One Thousand Dollars ($1000) as the number of months during which the taxpayer was unmarried or a married person not living with husband or wife bears to twelve (12) months, plus (b) an amount which bears the same ratio to Two Thousand Dollars ($2000) as the number of

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months during which the taxpayer was a married person living with husband or wife or was the head of a family bears to twelve (12) months. For the purposes of this subdivision a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month.

When exemptions figured.

(5) The exemptions allowed by Subdivision Two (2) of this section shall be determined by the status of the taxpayer on the last day of his taxable year.

Exemption where taxpayer dies during taxable year.

(6) In the case of an individual who dies during the taxable year, the exemptions allowed by Subdivisions One (1), Two (2) and Three (3) of this section shall be determined by his status at the time of his death, and in such case, full exemption shall be allowed to the surviving spouse, if any, according to his or her status at the close of the taxable year.

Income tax involving a partnership.

Section 11. Individuals carrying on business in partnership shall be liable for income tax only in their individual capacity. There shall be included, in computing the net income of each partner, his distributive share, whether distributed or not, of the net income of the partnership for the taxable year, or, if his net income for such taxable year is computed upon the basis of a period different from that upon the basis for which the net income of the partnership is computed, then there shall be included his distributive share of the net income of the partnership for any accounting period of the partnership ending within the fiscal or calendar year upon the basis of which the partner's net income is computed. Taxpayers who are members of partnerships may be required by the Department to make a return stating the gross receipts and net gains or profits of the partnership for any taxable year. The net income of the partnership shall be computed in the same manner and on the same basis as provided in computing the net income of individuals, except that the deduction provided in Subdivision Ten (10) of Section Eight (8) of this Act and the personal exemptions provided for in Section Ten (10) of this Act shall be allowed only to the individual partners.

When statement of partnership may be required.

Tax on beneficiaries or fiduciaries of estates and trusts.

Section 12. (1) A tax shall be imposed upon either the fiduciaries or the beneficiaries of estates and trusts as hereinafter provided, except to the extent such estates

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and trusts shall be held for educational, charitable or religious purposes, which tax shall be levied, collected and paid annually with respect to the income of estates or of any kind of property held in trust, including:

What income is taxable.

(a) Income received by estates of deceased persons during the period of administration or settlement of the estate;

(b) Income accumulated in trust for the benefit of unborn or unascertained persons, or persons with contingent interests;

(c) Income held for future distribution under the terms of the will or trust;

(d) Income which is to be distributed to the beneficiaries periodically, whether or not at regular intervals, and the income collected by a guardian of an infant to be held or distributed as the Court may direct; and

(e) Income of an estate during the period of administration or settlement permitted by Subdivision Three (3) of this section to be deducted from the net income, the tax with reference to which is to be paid by the fiduciary.

Who is to be responsible for return.

(2) The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts, whether the fiduciary or the beneficiaries be taxable with reference to the income of such estate or trust. The net income of an estate or trust shall be computed in the same manner and on the same basis as provided in this Act for individual taxpayers, except that there shall also be allowed as a deduction any part of the gross income which, pursuant to the terms of the will or deed creating the trust, is paid to or held for the United States, or any state, territory or any political subdivision thereof, or the District of Columbia; and in cases under paragraphs (d) and (e) of Subdivision One (1) of this section, the fiduciary shall include in the return a statement of each beneficiary's distributive share of such net income, whether or not distributed before the close of the taxable year for which the return is made.

How tax is computed.

Special deduction.

Upon whom tax is imposed and by whom paid.

(3) In cases under paragraphs (a), (b) and (c) of Subdivision One (1) of this section, the tax shall be imposed upon the fiduciary of the estate or trust with re-

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spect to the net income of the estate or trust and shall be paid by the fiduciary, except that in determining the net income of the estate of any deceased person during the period of administration or settlement, there may be deducted the amount of any income properly paid or credited to any legatee, heir or other beneficiary. In such cases, the fiduciary of the estate or trust shall be allowed the same exemptions as are allowed to single persons under Section Ten (10) of this Act, and in such cases the fiduciary of any estate or trust created by a person not a resident, or of an estate of a person not a resident shall be subject to a tax only to the extent to which individuals other than residents are liable under Subdivision Three (3) of Section Seven (7) of this Act.

Deductions.

Exemptions.

(4) There shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the beneficiaries, and the amount of the income collected by a guardian of an infant which is to be held or distributed as the Court may direct, but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed to them or not. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under the next paragraph of this section in the same or any succeeding taxable year.

Other deductions in computing net income.

In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is properly paid or credited during such year to any legatee, heir or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir or beneficiary.

If the taxpayer's net income for such taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then his distributive share of the net

Accounting period.

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income of the estate or trust for any accounting period of such estate or trust ending within the fiscal or calendar year shall be computed upon the basis on which such beneficiary's net income is computed. In such cases a beneficiary not a resident shall be taxable with respect to his income derived through such estate or trust only to the extent provided in Subdivision Three (3) of Section Seven (7) of this Act, for individuals other than residents.

Fiduciary of trust created by employer to pay bonus, pension, etc., is not taxable.

(5) The fiduciary of a trust created by an employer as a part of a stock bonus, pension or profit-sharing plan for the exclusive benefit of some or all of his employees, to which contributions are made by such employer or employees or both, for the purpose of distributing to such employees the earnings and principal of the fund accumulated by the trust in accordance with such plan, shall not be taxable under this section, but any amount contributed to such fund by the employer and all earnings of such fund shall be included in computing the income of the distributee in the year in which distributed or made available to him.

Income of trust to pay premiums on policy of life insurance of grantor taxable.

(6) Where any part of the income of a trust, other than a testamentary trust, is or may be applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified in Subdivision Ten (10) of Section Eight (8) of this Act, relating to the so-called "Charitable Contribution" deduction) or to the payment of premiums upon policies of life insurance under which the grantor is the beneficiary, such part of the income of the trust shall be included in computing the net income of the grantor.

Duty of information agents to give out certain information.

Section 13. Every information agent shall make return to the Department of complete information concerning the amount of all interest, rent, salaries, wages, premiums, annuities, dividends, compensations, remunerations, emoluments or other fixed or determinable gains, profits and income, except interest coupons payable to bearer, of any person taxable under this Act, or Seven Hundred Dollars ($700) or more in any taxable year under such regulations and in such form and manner and to such extent as may be prescribed by the Board.

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Who shall make a return of net income.

Section 14. Every person having a net income for the taxable year of One Thousand Dollars ($1000) or over, if single or if married, and not living with or supporting a husband or wife or family, or of Two Thousand Dollars ($2000) or over if married and living with husband or wife, or if he is the head of a family, or a gross income for the taxable year of Twenty-five Hundred Dollars ($2500) or over, regardless of the amount of his net income, shall make, under oath, a return stating specifically the items of his gross income and the deductions and credits allowed by this Act. If a husband and wife living together have an aggregate net income of Two Thousand Five Hundred Dollars ($2500) or over, or an aggregate gross income for such year of Three Thousand Dollars ($3000) or over, each shall make such a return, or the income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

What to contain.

Joint return of husband and wife.

When agent may make return.

When deduction cannot be taken by non-resident.

If any such person is unable to make his own return, the return shall be made by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such person. A person other than a resident shall not be entitled to the deductions authorized by Section Eight (8) of this Act, unless he shall make, under oath, a complete return of his gross income both within and without this state.

Effect of changing status from resident to non-resident or vice versa.

Section 15. If a taxpayer changes his status from that of resident to that of non-resident, or from that of non-resident to that of resident, during the taxable year, he shall file two (2) returns, one as a resident covering the fraction of the year during which he was resident, and one as a person other than a resident covering the fraction of the year during which he was a non-resident. The exemptions provided in Section Ten (10) of this Act shall be divided ratably between the two (2) returns so filed, according to time. If the aggregate of the taxpayer's net income from all sources during the fraction of the year in which he was a resident, and his net income from sources within this state during the fraction of the year in which he was a non-resident, is less than One Thousand Dollars ($1000) in the case of a taxpayer who is single or who is married and not living with or supporting a husband or wife or family, or is less than

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Two Thousand Dollars ($2000) in the case of a taxpayer who is married and living with a husband or wife or is the head of a family, no return shall be required under this section.

Partnership required to make return.

Section 16. Every partnership shall make a return for each taxable year, stating specifically the items of its gross income and the deductions allowed by this Act, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

Contents.

Return of a fiduciary.

Section 17. Every fiduciary (except receivers appointed by authority of law in possession of part only of the property of a taxpayer) shall make under oath a return for the individual or estate or trust from whom he acts, as follows:

(1) If he acts for an individual whose entire income from whatever source derived is in his charge.

(2) If he acts (a) for an estate of a deceased person during the period of administration or settlement, whether or not the income of such estate during such period of administration or settlement is properly paid or credited to any legatee, heir or other beneficiary; (b) for an estate or trust the income of which is accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests; or (c) for an estate or trust the income of which is held for future distribution or is distributable in the discretion of the fiduciary under the terms of the will or trust.

(3) If he acts (a) for an estate or trust the income of which is to be distributed to the beneficiaries periodically; or (b) as the guardian of an infant whose income is to be held or distributed as the Court may direct; and if any beneficiary of such estate or trust receives or is entitled to a distributive share of the income of the estate or trust. The return made by a fiduciary shall state specifically the items of the gross income and the deductions, exemptions and credits allowed by this Act. Under such regulations as the Board may prescribe, a return made by one (1) of two (2) or more joint fiduciaries shall be a sufficient compliance with the above re-

What return of fiduciary shall contain.

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quirement. The fiduciary shall make oath that he has sufficient knowledge of the affairs of the individual, estate or trust for whom or which he acts to enable him to make the return, and that the same is, to the best of his knowledge and belief, true and correct.

Fiduciaries required to make returns under this Act shall be subject to all the provisions of this Act which apply to taxpayers.

Effect of change in manner of computing net income.

Section 18. If a taxpayer, with the approval of the Board, changes the basis of computing net income from fiscal year to calendar year, a separate return shall be made for the period between the close of the last fiscal year for which return was made and the following December thirty-first. If the change is made from calendar year to fiscal year, a separate return shall be made for the period between the close of the calendar year for which return was made and the date designated as the close of the fiscal year. If the change is made from one fiscal year to another fiscal year, a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year. If a taxpayer making his first return of income keeps his accounts on the basis of a fiscal year, he shall make a separate return for the period between the beginning of a calendar year in which such fiscal year ends and the end of such fiscal year.

Calendar and fiscal years.

Rate of tax where change is made.

In all of the above cases the net income shall be computed on the basis of such period for which separate return is made, and the tax shall be paid with reference thereto at the rate for the calendar year in which such period is included; and the exemptions allowed in this Act shall be reduced respectively to amounts which bear the same ratio to the full exemption provided for as the number of months in such period bears to twelve (12) months.

Filing fee.

When to be filed.

Extension of time.

Section 19. Returns shall be made to the Board, each accompanied by a filing fee of One Dollar ($1) on or before the fifteenth day of the fourth month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then the return shall be made on or before the fifteenth day of April in each year. The Board may grant a reasonable extension of

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time for filing returns whenever in its judgment good cause exists and shall keep a record of every such extension and the reason therefor. Except in the case of persons who are abroad, no such extension shall be granted for more than six (6) months. Such returns shall set forth such facts as the Board may deem necessary for the proper enforcement of this Act. There shall be annexed to such return the affidavit or affirmation of the persons making the return, to the effect that the statements contained therein are true. Blank forms of return shall be furnished by the Board upon application, but failure to secure the form shall not relieve any taxpayer from the obligation of making any return herein required.

Affidavit of person making return.

When Board may revise return and when it may estimate income.

Section 20. If, in the opinion of the Board, any return of a taxpayer is in any essential respect incorrect, it may revise such return, or if any taxpayer fails to make return as herein required, the Board is authorized to make an estimate of the taxable income of such taxpayer from any information in its possession, and to audit and state an account according to such return or the estimate so made by it for the taxes, penalties and interest due the state from such taxpayer. Except in the case of a wilfully false or fraudulent return with intent to evade the tax, the amount of tax due under any return shall be determined by the Board within three years after the return was made. In the case of such wilfully false or fraudulent returns, the amount of tax due may be determined at any time after the return is filed and the tax may be collected at any time after it becomes due, and where no return has been filed, the tax may be assessed at any time.

Date when tax must be determined.

Power of Board to examine records and require attendance of persons involved.

The Board, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of taxable income of any person where information has been obtained, may also examine or cause to have examined, by any agent or representatives designated by it for that purpose, any books, papers or records of memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or any officer or employee of such person, or the attendance of any

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other person having knowledge in the premises, and may take testimony and require proof material for its information, with power to administer oaths to such person or persons.

Board and employees may administer oath.

Section 21. The Board and each assistant, or deputy, may administer an oath to any person, or take the acknowledgment of any person in respect to any report or return required by or pursuant to this Act, or by the rules and regulations of the Board.

When a revision may be filed.

Section 22. If an application for revision be filed with the Board by a taxpayer within two years from the time of the filing of the return or if the tax of such taxpayer has been recomputed, then from the time of such recomputation, the Board shall grant a hearing thereon, and if it is made to appear upon any such hearing by evidence submitted to it or otherwise, that any such computation includes taxes or other charges which could not have been lawfully demanded, or that payment has been illegally made or exacted of any such amount so computed, the Board shall resettle the same according to law and the facts, and adjust the computation of taxes accordingly, and shall send notice of its determination thereon to the taxpayer.

Hearing granted.

May order adjustment.

Review allowed to District Court on a revision or resettlement.

Section 23. The determination of the Board upon any application made to it by any taxpayer for revision and resettlement of any computation of tax as prescribed by this Act, may be reviewed, both upon the law and the facts upon certiorari by the District Court of the county wherein the taxpayer is resident, or in the case of non-residents, by the District Court of Lewis and Clark county, at the instance of any person or association affected thereby, and in the name and on behalf of the people of the state. For the purpose of such review the Board shall return on such certiorari, the accounts and all the evidence before it on such application, and all the papers and proofs upon the original statement of such account and all proceedings thereon. If the original or resettled accounts are found erroneous or illegal either in point of law or fact, by the Court, upon any such review, the accounts reviewed shall then be corrected and restated, and from any determination of such Court upon any such Court upon any such review, an appeal to the Supreme Court may be taken by either

Duty of Board to furnish evidence.

Court findings.

Appeal to Supreme Court.

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When review must be taken.

party. No certiorari to review any statement of a computation or any determination by the Board under this Act shall be granted unless notice of application therefor is made within thirty (30) days after the service of the notice of such determination. Eight days' notice shall be given to the Department of the application for such writ. Before making the application, an undertaking must be filed with it in such amount and with such sureties as a judge of the Court shall approve, to the effect, that if such writ is dismissed or the determination of the Board affirmed, the applicant for the writ will pay all costs and charges which may accrue against him in the prosecution of the writ, including costs of all appeals.

Undertaking for costs must be furnished.

Penalties.

Section 24. (1) If any person, without intent to evade any tax imposed by this Act, fails to make a return of income or pay any tax if one is due at the time required by or under the provisions of this Act, but voluntarily makes a correct return of income and pays the tax due within sixty (60) days thereafter, there shall be added to the tax an additional amount equal to five (5) per centum thereof, but such additional amount shall in no case be less than Two Dollars ($2), and an additional one (1) per centum for each month or fraction of a month during which the tax remains unpaid.

5% of tax and 1% for each month remaining unpaid.

Double tax and 1% for each month remaining unpaid.

(2) If any person fails voluntarily to make a return of income or to pay a tax if one is due within sixty (60) days of the time required by or under the provisions of this Act, the tax shall be doubled and such doubled tax shall be increased by one (1) per centum for each month or fraction of a month from the time the tax was originally due to the date of payment.

Misdemeanor and fine of $300.00.

(3) Any individual, corporation or partnership, who, without fraudulent intent, fails to pay any tax, or to make, render sign or verify any return, or to supply any information within the time required by or under the provisions of this Act, shall be guilty of a misdemeanor and, upon conviction, be fined not to exceed Three Hundred Dollars ($300).

(4) Any individual, corporation or partnership, or any officer or employee of any corporation, or member or employee of any partnership, who, with intent to

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evade any tax or any requirement of this Act or any lawful requirement of the Board thereunder, fails to pay the tax, or to make, render, sign or verify any return, or to supply any information, within the time required by or under the provisions of this Act, or who, with like intent, makes, renders, signs, or verifies any false or fraudulent return or statement, or supplies any false or fraudulent information, shall be liable to a penalty of not more than One Thousand Dollars ($1000), to be recovered by the Attorney General, in the name of the state, by action in any Court of competent jurisdiction, and shall also be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed One Thousand Dollars ($1000) or be imprisoned in the county jail not to exceed one (1) year, or both, at the discretion of the Court.

Misdemeanor and fine not to exceed $1000.00 or imprisonment not to exceed one year or both.

(5) The certificate of the Department to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied, as required by or under the provisions of this Act, shall be prima facie evidence that such tax has not been paid, that such return has not been filed, or that such information has not been supplied.

Prima facie evidence.

Section 25. (1) Each taxpayer shall, or in cases where an agent or a guardian or other fiduciary makes return for the taxpayer on whose behalf he is acting, then the agent, guardian, or other fiduciary shall, at the time of filing his return, pay to the Board the amount of tax payable hereunder as the same shall appear from the face of the return.

When fiduciary shall pay tax.

The tax may, at the option of the taxpayer, be paid in two installments, as nearly equal as may be, instead of a single payment, in which case the first installment shall be paid in or before the date prescribed for the payment of the tax as a single payment, the second installment on or before the fifteenth day of the sixth month after such date.

Tax may be paid in two installments.

If each installment is paid in full on or before the date when it is due, there shall be no interest thereon. If any installment is not paid in full on or before the date fixed for its payment, either by this Act or by the Board in accordance with the terms of an extension, the

Penalty where installment is not paid when due.

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whole amount of the tax remaining unpaid shall be due and payable upon notice and demand from the Board, and shall be subject to interest, penalties and additional taxes as provided in Section Twenty-four (24) of this Act.

Interest to be paid for extensions.

If the time for filing a return is extended, the taxpayer shall pay in addition, interest thereon at the rate of six (6) per centum per annum from the time when the return was originally required to be filed to the time of payment.

Duty of Department to examine and compute tax.

(2) As soon as practicable after the return is filed, the Department shall examine it and compute the tax.

When tax paid is not sufficient.

(3) If the amount of tax as computed is greater than the amount theretofore paid, the excess shall be paid by the taxpayer to the Board within ten (10) days after the amount of the tax as computed is mailed by the Board. In such case, if the return is made in good faith and the understatement of the amount in return is not due to any fault of the taxpayer, there shall be no interest, penalty or additional tax because of such understatement. Provided, the deficiency is paid within ten (10) days after notice of the amount is mailed to the taxpayer.

Penalty for failure to pay deficiency on time.

If payment is not made within ten (10) days, there shall be added to the amount of deficiency five (5) per centum thereof, and, in addition, interest at the rate of one (1) per centum per month for each month or fraction of a month calculated from the date of the notice. If the understatement is due to negligence on the part of the taxpayer but without intent to defraud, there shall be added to the amount of the deficiency five (5) per centum thereof, and in addition, interest at the rate of one (1) per centum per month for each month or fraction of a month. If the understatement is false or fraudulent with intent to evade the tax, the tax, with reference to the additional income discovered shall be doubled and an additional one (1) per centum shall be added to the amount so due for each month or fraction of a month. Except as otherwise provided in this subdivision, the interest provided for in this subdivision shall in all cases be computed from the date the tax was originally due to the date of payment.

Other penalties.

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(4) If the amount of the tax as computed is less than the amount theretofore paid, the taxpayer is entitled to a refund of the excess.

May refund excess paid.

Section 26. If any tax imposed by this Act or any portion of such tax is not paid within sixty (60) days after the same becomes due, the Board shall issue a warrant under its official seal directed to the Sheriff of any county of the state commanding him to levy upon and sell the real and personal property of the person owing the same, found within his county, for the payment of the amount thereof, with the added penalties, interest and the cost of executing the warrant, and to return such warrant to the Board and pay to it the money collected by virtue thereof by a time to be therein specified, not more than sixty (60) days from the date of the warrant. The Sheriff shall within five (5) days after the receipt of the warrant, file with the Clerk of his county a copy thereof, and thereupon the Clerk shall enter in the judgment docket, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in appropriate columns, the amount of the tax or portion thereof and penalties for which the warrant is issued and the date when such copy is filed, and thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest in real property or chattels real of the person against whom it is leased in the same manner as a judgment docketed in the office of such Clerk. The said Sheriff shall thereupon proceed upon the same in all respects, with like effect, and in the same manner prescribed by law in respect to executions issued against property upon judgments of a Court of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner. In the discretion of the Board a warrant of like terms, force and effect may be issued and directed to any agent authorized to collect income taxes, and in the execution thereof, such agent shall have all the powers conferred by law upon Sheriffs, but shall be entitled to no fee or compensation in excess of actual expenses paid in the performance of such duty. If a warrant be returned not satisfied in full, the Board shall have the same remedies to enforce

Power of Board to issue warrant to Sheriff where tax is not paid within 60 days.

Filing of warrant.

Becomes lien on realty.

Execution.

Warrant may be issued to collecting agent.

Shall have powers of Sheriff.

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the claim for taxes against the taxpayer as if the people of the state had recovered judgment against the taxpayer for the amount of the tax.

Action by Attorney General.

Section 27. Action may be brought at any time by the Attorney General of the state at the instance of the Board, in the name of the state to recover the amount of any taxes, penalties and interest due under this Act.

Disposition of money collected.

Section 28. The State Treasurer shall deposit fifty (50) per centum of the taxes paid under this Act to the general fund, and twenty-five (25) per centum to the common school interest and income fund, and twenty-five (25) per centum thereof to the common school equalization fund. The revenue so produced shall be taken account of by the State Legislature in making the annual levy for state purposes. It is the expressed intention of this Act that the revenue derived hereunder shall reduce by corresponding amount the direct tax levy which the state would otherwise make for state purposes.

Purpose and intent.

Board to make rules, etc.

Section 29. The Board is hereby authorized to make such rules and regulations and to require such facts and information to be reported as it may deem necessary to enforce the provisions of this Act.

Unlawful for officers to divulge information obtained.

Section 30. (1) Except in accordance with proper judicial order or as otherwise provided by law, it is unlawful for the Board or any deputy, assistant, agent, clerk, or other officer or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this Act, or any other information secured in the administration of this Act. The officers charged with the custody of such reports and returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any Court, except in any action or proceeding under the provisions of this Act to which the Board is a party, or on behalf of any party to any action or proceedings under the provisions of this Act when the reports or facts shown thereby are directly involved in such action or proceedings, in either of which events, the Court may require the production of, and may admit in evidence, so much of said reports or of the facts shown

Exception.

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thereby, as are pertinent to the action or proceedings and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his duly authorized representative of a certified copy of any return or report filed in connection with his tax, nor to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the Attorney General, or other legal representatives of the state, of the report or return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted in accordance with the provisions of twenty-six (26) and twenty-seven (27) of this Act. Reports and returns shall be preserved for three (3) years and thereafter until the Board orders them to be destroyed.

Taxpayer may have certified copy.

What may be permitted.

(2) Any offense against Subdivision One (1) of this section shall be punished by a fine not exceeding One Thousand Dollars ($1,000), or by imprisonment in the county jail not exceeding one (1) year, or both, at the discretion of the Court, and if the offender be an officer or employee of the state, he shall be dismissed from office and be incapable of holding any public office in this state for a period of one (1) year, thereafter.

Penalty for violating Subdivision (1) of this section.

(3) Notwithstanding the provisions of this section, the Board may permit the Commissioner of Internal Revenue of the United States, or the proper officer of any state imposing a tax upon the incomes of individuals, or the authorized representatives of either such officer, to inspect the returns of income of any individuals, or may furnish to such officer or his authorized representatives an abstract of the return of income of any individual or supply him with information concerning any item of income contained in any return, or disclosed by the report of any investigation of the income or return of income of any individual, but such permission shall be granted or such information furnished to such officer or his representative, only if the statutes of the United States or of such other state, as the case may be, grant substantially similar privileges to the proper officer of this state charged with the administration of this Act.

Revenue officers of U. S. may inspect where U. S. allows similar privileges.

Same as to other states.

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How net income is to be construed.

Section 31. For the purpose of raising revenue, the net income required to be shown on returns under this Act and taken as the basis for determining the tax hereunder shall not be classified or held or construed to be property. And all income, except what has been expressly exempted under the provisions of this Act and income not permitted to be taxed under the Constitution of this state or the Constitution or laws of the United States, shall be included and considered in determining the net income of taxpayers within the provision of this Act.

Appropriation for carrying out Act.

Section 32. There is hereby appropriated from the general fund of the State of Montana, the common school interest and income fund and the common school equalization fund not otherwise appropriated, the sum of Forty Thousand Dollars ($40,000), or so much thereof as may be necessary for the purpose of paying the expenses incurred in the administration of this Act in proportion to the distribution of taxes collected under this Act.

Saving clause.

Section 33. If any clause, sentence, paragraph, subdivision, section or part of this Act shall be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, invalidate or nullify the remainder of this Act, but shall be confined to the clause, sentence, paragraph, subdivision, section or part immediately involved, and the remainder of this Act shall be given effect.

Section 34. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 182

An Act to Amend Section 2153 of the Revised Codes of Montana of 1921, as Amended by Chapter 18 of the Acts of the Nineteenth Legislative Assembly and Chapter 113 of the Acts of the Twentieth Legislative As-

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sembly of the State of Montana; Relating to Taxes on Personal Property and the Lien Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2153 of the Revised Codes of Montana of 1921, as amended by Chapter 18, Acts of the Nineteenth Legislative Assembly and Chapter 113, Acts of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby, amended to read as follows:

"Section 2153. Every tax due upon personal property is a prior lien upon the particular property assessed, which lien shall have precedence over any other lien, claim or demand upon such property but shall not extend to any other personal property of the owner thereof, and every tax due upon personal property is also a lien upon the real property of the owner thereof, from and after 12:00 M. of the first Monday in March in each year; provided, however, that any owner of a mortgage on real estate upon which personal property taxes are by this Act made a lien and where the owner of such real estate and personal property has failed to pay taxes due upon such real estate and personal property for one or more years, may file with the County Assessor of the county in which such property is located a written request to have the personal property and real estate of the owner separately assessed. Such request must be made by registered mail at least ten days prior to the first Monday in March in the year for which property is assessed. Upon receipt by the Assessor of such request it is hereby made the duty of the County Assessor to make a separate assessment of real and personal property of the owner thereof and such personal property taxes shall not be a lien upon the real estate so mortgaged of the owner thereof and the said personal property taxes shall be collected in the manner provided by law for other personal property."

Taxes lien on personal property; also on real property of owner thereof.

When taxes on personal property and on realty may be assessed separately.

Section 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

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CHAPTER 183

An Act to Amend Section 1061, of the Revised Codes of the State of Montana of 1921, Relating to the School Year, and Providing the Minimum Length of Time That School Shall be in Session.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1061, of the Revised Codes of the State of Montana of 1921, be, and the same is hereby amended to read as follows:

What shall constitute school year.

"Section 1061. The school year shall begin on the first day of July and end on the thirtieth day of June; provided, that in all districts the school shall be in session not less than six months during any school year; provided, further, that any school district which shall fail to maintain a free school for six months during the next preceding year, or any school district that shall fail to make its annual report to the County Superintendent, as provided by law, on or before August first, of each year, shall not be entitled to receive any apportionment of any school moneys from the state interest and income funds. Any and all such moneys forfeited by any school district shall be apportioned by the County Superintendent to other school districts of his county."

Penalty for failure to maintain free school for six months or for failure to make annual report.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1933.

CHAPTER 184

An Act Relating to Price Charged for Any Standard Petroleum Product and Establishing a Differential Basal Rate Point Within the State of Montana, Providing for Procedure in the Determination of Price Under This Act, Defining Standard Petroleum Product to be a "Public Utility", Defining What is Included Within the Term "Standard Petroleum Product",

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Construction to be Placed Upon This Act, Prescribing Duties of County Attorney, Providing Penalties for the Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

What constitutes a discrimination.

Section 1. Any person, firm, company, association or corporation doing business within the State of Montana who shall charge or demand a higher price for any standard petroleum product from any person or customer within the State of Montana than is being charged by such person, firm, company, association or corporation for a like article of standard petroleum product to other persons or customers in the State of Montana or in any adjoining state shall be guilty of discrimination which is hereby declared to be a fraud, and any said person, firm, company, association or corporation, and their officers or agents participating guilty of a misdemeanor. When competent proof is offered, in the trial of any action under this Act, of a demand for or the receipt of a higher price for any standard petroleum product in this state by any person, firm, company, association or corporation than is charged for the same or a similar article of standard petroleum product of other persons or customers in the State of Montana or in any adjoining state at substantially the same time, the burden of proof will then be upon such person, firm, company, association or corporation, their officers or agents, on trial to prove that the difference in price was justified.

Parties guilty of misdemeanor.

Burden of proof.

Made a "public utility."

Section 2. "Standard Petroleum Product" referred to in this Act is hereby defined to be a "Public Utility" within the meaning of this Act.

Definition of "Standard Petroleum Product."

Section 3. The term "Standard Petroleum Product" as used herein refers to and includes gasoline, fuel oil, distillates, greases and lubricating oils.

Public Service Commission to establish basal rate points.

Sub-Section (a). Within thirty (30) days from and after the passage and approval of this Act the Public Service Commission of Montana shall establish one (1) or more differential basal rate points within the State of Montana to be used as a basis for determining gasoline and petroleum product rates within the State of Montana.

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Public Service Commission to make rules.

Sub-Section (b). The Public Service Commission is authorized to make reasonable rules and regulations regarding the distribution of gasoline and petroleum products within the State of Montana and within thirty (30) days' notice, a dissatisfied party or parties may appeal from the rulings of said Commission to Courts of competent jurisdiction for a review of the findings of said Commission.

Appeal.

Purpose and intent of Act.

Section 4. This Act is intended to compel persons, firms, companies, associations or corporations doing business in the State of Montana dealing in standard petroleum products to treat all of their customers in the State of Montana on an equal with all of their customers in the State of Montana or adjoining states, and to promote the uniform application of the law of the State of Montana providing a license tax on all gasoline used by motor vehicles when traveling over the public highways, and this Act shall be liberally construed to accomplish that end.

Duty of County Attorney to prosecute.

Section 5. If any citizen of Montana shall present to the County Attorney of any county in which such discriminatory acts of any person, firm, company, association or corporation, their officers or agents shall have been committed, a sworn written statement of the price paid, the date and the parties selling and buying, and reasonably reliable information of the price for a corresponding or similar article of standard petroleum product sold or offered for sale by such person, firm, company, association or corporation, their officers or agents in the State of Montana or in any adjoining state, then it shall be the duty of such County Attorney to promptly investigate and either prosecute the action or furnish the informant with a written statement of his reasons for not prosecuting the action.

Penalty for violation.

Section 6. Any person, firm, company, association or corporation, their officers or agents, violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punishable by a fine of not exceeding Five Hundred Dollars.

Subject to civil action.

Section 7. In addition to the penalty above prescribed, any customer of such person, firm, company, association and corporation or his assigns may bring a civil action in any county in which such offending corpora-

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tion may be doing business, and recover therein not only actual damages for any violation of this Act, but also exemplary damages for such reasonable sum as the jury may deem proper punishment for the unlawful practice of discrimination as herein defined.

Saving clause.

Section 8. If any clause, sentence, paragraph, subdivision, section or part of this Act shall be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, invalidate or nullify the remainder of this Act, but shall be confined to the clause, sentence, paragraph, subdivision, section or part immediately involved, and the remainder of this Act shall be given effect.

Repealing clause.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect thirty days from and after its passage and approval.

Approved March 17, 1933.

CHAPTER 185

An Act to Amend Section 12288 of the Revised Codes of Montana, 1921, Relating to the Appointment, Salary and Duties of Probation Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12288 of the Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

Appointment of Probation Officer.

"Section 12288. **Probation Officers — Appointment, Salary, and Duties—Procedure on Criminal Complaints Against Minors—Commitment.** Except in judicial districts, consisting of a single county, where the salary per annum shall remain as heretofore under this section. In every judicial district of the State of Montana, or in any county or counties thereof, the judge or judges thereof may appoint one discreet person of good moral character, who shall be known as the Chief Probation Officer of such district, and who shall hold his office during the

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Compensation.

pleasure of the Court, and who shall receive for his or her services such sum as shall be specified by the Court upon appointment, not exceeding the sum of One Thousand Eight Hundred Dollars per annum, to be paid, however, upon a per diem basis for the time actually and necessarily employed in performing the duties of the office out of the contingent fund of the county. In the absence of the appointment of such Chief Probation Officer, it shall be the duty of the Sheriff of the respective county or counties comprising such judicial district to perform all the duties of the Chief Probation Officer in this chapter enumerated without additional compensation. Said Probation Officer shall also be reimbursed for the actual and reasonable traveling and other expenses incurred by him in pursuance of his official duties. Such reimbursement shall be made once each month by the county or several counties for which such Probation Officer shall have been appointed. Each Probation Officer shall, not later than the tenth day of every calendar month, and before the allowance and payment thereof, file or cause to be filed with the proper Board of County Commissioners of the county chargeable therewith, an itemized sworn statement and account of such expenses, including his claim for salary for the preceding month with the approval of the District Judge or Judges endorsed thereon. Each county of this state shall reimburse such Probation Officer only in respect to such expenses as have been incurred in connection with juvenile persons residing in that county. When a judicial district consists of one county, the salary of the Probation Officer is to be paid by that county, and when a judicial district is composed of more than one county, the salary of such officer shall be apportioned among and paid by each of said counties in which said officer is appointed to act in proportion to the assessed valuation of such counties for the year then current.

When Sheriff shall act.

Expenses allowed.

When expense and salary claim shall be filed.

By whom paid.

Other Probation Officer to serve without compensation.

Said Judge or Judges of the District Court may appoint as Probation Officers such other discreet persons of good moral character as are willing to serve without compensation. It shall be the duty of the Clerk of the District Court, immediately upon the appointment of a Probation Officer, to notify the Courts and Magistrates of any county in which the said officer is appointed, giving them the names and postoffice addresses of such

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officers. The duties of said Probation Officer or Officers shall be such as hereinafter prescribed.

Duties of Probation Officers.

Whenever a complaint is made or pending against a boy or girl under eighteen years of age for the commission of any offense not punishable by law with life imprisonment, or for which the penalty is death, before any Court or Magistrate, it shall be the duty of such Court or Magistrate at once and before any other proceedings are had in the cause, to give notice in writing of the pendency of said cause to the probation office of his county. Such Probation Officer shall immediately, or as soon thereafter as possible, proceed to inquire into and make a full examination and investigation of the facts and circumstances surrounding the commission of the alleged offense, the parentage and surroundings of said child, its exact age, habits, and school record, and everything that will throw light on its life and character, and may also inquire into the home condition, habits, and character of the parents or guardians, and shall make a full report thereon in writing to the Judge of the District Court having charge of such cases, before said cause is tried. If, upon consultation with the Probation Officer and the examination of such report, it shall appear to the Judge of said Court that the child is not guilty of the offense charged against it, or that the interest of the child shall be best subserved thereby, the Court shall order that such child be not brought into Court, and said cause shall be dismissed. Said Chief Probation Officer shall attend all hearings under this Act and represent the interests of the child and shall take charge of any child before or after trial, as the Judge may direct. Probation Officers shall serve warrants and other process of the Court, within or without the county, and in that respect they are hereby clothed with the powers and authority of Sheriffs; they can make arrests without warrant upon view of the violation of any of the provisions of this Act, and detain the person so arrested pending the issuance of a warrant; and perform such other duties incident to their offices as the Judge may direct; and all Sheriffs, Deputy Sheriffs, Constables, Marshals, and Police Officers are required to render assistance to Probation Officers in the performance of their duties when requested to do so.

Investigate offenses.

Also investigate parents, surroundings, etc.

Report to Judge findings.

When child shall not be brought into Court.

Represent child at hearing.

Serve warrants.

Make arrests.

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What Court may do with delinquent child.

If upon the trial of any child the Court shall find that such child is guilty of the offense charged, he may withhold judgment for a definite or indefinite period if it appear that the public and the interest of the child will be best subserved thereby, and may order that such child be returned to the care of his or her parents,

Return to parents.

guardian, or friends; or he may commit such child to the care of a Volunteer Probation Officer, who shall exercise supervision over it until such time as it is discharged by the Court from supervision upon the recommendation of such Voluntary Probation Officer, and if the parents, parent, guardian, or custodian consent thereto, or if the Court shall further find either that the parent,

Commit to voluntary officer's supervision.

parents, guardian, or custodian are unfit or improper guardian, or are unable or unwilling to care for, protect, educate, or discipline such child, and shall further find that it is for the best interest of such child and for the people of this state that such child be taken from the

May put in some suitable family.

custody of its parents, custodians, or guardian, the Court may order such child to be placed in the family of some suitable person where such family home shall be recommended by the Probation Officer of the Court after consultation with those representing the interest of the child, there to remain until he or she shall have attained the age of twenty-one years or for any less time, or the Court may order such child to be placed in the home

Place in state institution or other institution.

where the county's dependent children are kept; or, if it appears to be for the best interest of the child and such child appears to be in need of institutional training, the Court may order him or her to be committed to some state institution or some institution of learning managed by a corporation or individual, and devoted to the care of such children, for a definite or indefinite period; said institution to be situated in the State of Montana, and to be inspected at least once a year and

Charge for care of child.

approved by the Bureau of Child and Animal Protection and to receive for its services a per diem of Thirty-five Cents for each day that such child shall be in the custody, such per diem to be paid by the county sending the child, upon itemized vouchers duly certified to by the Court; or the Court may impose a fine with costs, or

May force child to make good damage done.

the Court may for good cause shown suspend judgment in any case for a definite or indefinite period; or, if the offense be a malicious trespass, the Court may require

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the damage to be made good, or if the offense be petty larceny and the stolen property is not recovered, the Court may require it to be paid by the delinquent child himself if it be shown that he or she is capable of earning the money or any money of his or her own, or its parents or guardian, at the discretion of the Court; and in all the foregoing cases, where the parents or guardian are unfit to have the custody of said child, or unable to control said child, the Court may deem the child to be the ward of the Court, as far as its person is concerned; and in all cases where any child has been decreed to be the ward of the Court, the authority of the Court over its person shall continue until the Court shall otherwise decree, and the Court may adopt all rules and regulations that may be needed to carry out the provisions of this Act. In every case in which the Court shall commit any child to the care and custody of any other institution as above provided, other than a state institution, and such child shall have a parent or guardian within the county, the Court may make and enter an order requiring such parent or guardian to appear before said Court upon a day and hour to be named by the Court therein, and show cause, if any she or he have, why she or he should not pay for the support of such child, in whole or in part, while it is an inmate of such institution. A certified copy of said order shall be served upon such parent or guardian by the Chief Probation Officer of the county not less than ten days prior to the day fixed therein for such appearance. Upon due service and return of said order, the Court shall, upon the day fixed, or upon such subsequent day as may be fixed by the Court, hear evidence as to the financial ability of such parent or guardian, and in case the Court shall find that such parent or guardian should pay for or contribute to the support and maintenance of such child, the Court shall render judgment against such parent or guardian that that parent or guardian shall pay to the Chief Probation Officer such sums as the Court shall adjudge and at such times and in such amounts as shall be by the Court found just. And such judgment shall be enforced as other judgments are enforced, and all moneys collected on such judgments shall be held by the Chief Probation Officer and shall be remitted quarterly by him to the institution keeping such child or

Parents may be forced to pay for care of child in an institution.

Notice.

Hearing.

Collection of judgment to pay for child.

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children and the amount so remitted shall be deducted from the quarterly bill of such institution.

Probation Officer to report.

Provided, that the Chief Probation Officer shall make a verified report to the Court at the close of each quarter, of the amount of money so collected on such judgments, which report the Judge shall be caused to be filed with the County Commissioners with the bill rendered by the institution keeping such child. If any child is wayward and unmanageable the Court may commit him or her to the Industrial School, or to any other state penal or reformatory institution authorized by law to receive such boy or girl subject to such conditions as are already provided by law for the reception of such children in said schools or institutions. And in cases where a child shall be committed to a state or other institution as above provided, the report of the Probation Officer shall be attached to the commitment and the child shall be placed in charge of the Probation Officer, or some person designated by the Court to be conveyed under his direction to the designated institution; provided, that a woman shall always be sent with the girls so committed, and the person taking such child to the designated institution shall be allowed and paid his or her actual expenses and no more, where he or she is a paid officer of such Court, appointed by the Court, and in all other cases the person taking such child to any institution shall be allowed and paid for his or her services, the same fees and expenses as are paid to Sheriffs in like cases.

May commit to Industrial School.

Expenses for taking child to an institution.

May place in hospital when child is ill.

And provided, that the Court may when the health or condition of the child require it, cause the child to be placed in a public hospital or institution for treatment for special care, or in a private hospital or institution which will receive it for like purposes without charge or for the per diem of Thirty-five Cents a day.

Proviso where child is sent to an institution in which adult convicts are kept.

Provided, that when a child contemplated by this Act shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in any room, yard or enclosure with such adult convicts, or to allow them in any manner to come in contact with them, or in any way commingle with such adult convicts, or to bring such child into any yard or room in which adult convicts may be present.

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Entitled to immediate hearing when.

Provided, that if any such boy or girl against whom a petition is filed is unable to give bond, and the Court does not release him or her on his or her own recognizance, then such boy or girl shall be entitled to an immediate hearing and trial, according to law.

Providing that the commitment of any child to an institution or association or society shall be subject to the rules and laws that may be in force from time to time governing such institution, association, or society.

When child may be returned to its home.

Provided, that when it shall be made to appear to the Court that the home of the child or its parents, former guardian or custodian, is a suitable place for such child, and that such child could be permitted to remain or ordered to be returned to said home, consistent with the public good and the good of such child, the Court may enter an order to that effect, returning such child to his home under probation, parole, or otherwise; it being the intention of this Act that no child should be taken away or kept out of his home or away from his parents or guardian any longer than is reasonably necessary to preserve the welfare of the child and the interest of all this state; provided, however, that no such order shall be entered without giving ten days' notice to the person, institution, or association to whose care such child has been committed, unless such guardian, institution, or association to whose care such child has been committed consents to such order.

Power of Court to cite persons and require reports.

And provided, the Court may from time to time cite into Court the person, institution, association, or society to whose care any delinquent child has been awarded, and require him or it to make a full, true, and perfect report as to his or its doings in behalf of such child; and it shall be the duty of such person, institution, or association, within ten days after such citation, to make such report, either in writing, verified by affidavit, or verbally, under oath, in open Court or otherwise, as the Court shall direct; and upon the hearing of such report, with or without further evidence, the Court may, if it sees fit, take such child from said person, institution, association, or society, and place it with another, or restore such child to the custody of its parents or former guardian or custodian."

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Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1933.

CHAPTER 186

An Act to Amend Sections 48, 49, and 50, of Chapter 60, of the Session Laws of the State of Montana of 1927, Relating to the Granting, by the State Board of Land Commissioners, of Prospecting Permits for the Exploration for Ores, Metals, Precious Stones and Other Valuable Minerals on Lands Now Owned by the State, or Mineral Rights Held by the State, and for Any Lands to be Acquired by the State; Providing for the Term of Said Permits; and Further Providing for the Issuance of Mining Leases, by the State Board of Land Commissioners, Permitting Development and Mining Operations of Said Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 48, of Chapter 60, of the Session Laws of the State of Montana, 1927, be, and the same is hereby amended to read as follows:

When the Board shall issue permits and to what shall they extend or include.

"Section 48. The State Board of Land Commissioners is hereby authorized and empowered in its discretion to issue permits granting the exclusive right to prospect and explore for ores, metals, precious stones and other valuable minerals, except for coal, oil and gas on any state lands to which the title has been, is, or shall be vested and safely secured in the state. This right shall extend to and include all those lands which have been sold but in which minerals have been reserved by the State of Montana, whether the lands are under certificate of purchase or patents have been issued; provided, however, that in all cases where the lands have been sold with mineral reservations and also in all cases where the lands are under lease for grazing, agriculture or for other purposes, care shall be taken in issuing such prospecting permits to protect the rights of the purchaser or

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lessee. Wherever deemed necessary a bond may be required for such amount as the Board may fix and determine, conditioned for the safeguarding of the rights of such purchaser or lessee and the rights of the state."

Section 2. That Section 49, of Chapter 60, of the Session Laws of Montana, 1927, be, and the same is hereby amended to read as follows:

"Section 49. These permits shall be issued for such length of time as the Board may determine in each individual case, not exceeding five years; shall prescribe the land on which the prospecting is permitted in government subdivisions, not exceeding forty acres; shall prescribe that the minimum amount of prospecting and exploration shall be an amount equivalent to One Hundred Dollars to be performed each year. The said sum of One Hundred Dollars to be computed as prescribed by the laws and regulations of the United States Government, concerning annual assessment work on mining claims, and that a failure to perform such minimum amount of work shall operate as a forfeiture of said permit at the option of the Board of Land Commissioners. The annual prospecting fee shall be One Dollar per forty acres, or part thereof, payable annually in advance. This permit shall not authorize the permittee to remove any of the ores, metals, precious stones, or other minerals from the land except for the purpose of testing or assaying the same."

Term of permit.

Amount of work which must be performed.

Annual prospecting fee.

Does not permit removal of ore generally.

Section 3. That Section 50, of Chapter 60, of the Session Laws of Montana of 1927, be, and the same is hereby amended to read as follows:

"Section 50. If the prospector discovers ores, metals, precious stones or other valuable mineral deposits in the lands under his permit, he shall have the preference right to a mining lease to such lands for the ores, metals, precious stones and other minerals discovered therein, for a period of twenty years, provided, however, that the minimum amount of development work to be performed each year, shall be an amount equivalent to One Hundred Dollars, the said sum of One Hundred Dollars to be computed as prescribed by the laws and regulations of the United States Government concerning annual assessment work on mining claims; and provided, further, that all such leases shall be on a royalty basis and

Right to a mining lease.

Term of lease.

Work required.

Leases on royalty basis.

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that the royalty shall be three per centum of the values of the ores, metals, precious stones, or other valuable minerals after mill and smelter treatment."

Repealing clause.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1933.

CHAPTER 187

An Act to Amend Section 2114, Revised Codes of Montana, 1921, as Amended by Chapter 43 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, and Sections 2115 and 2116, Revised Codes of Montana, 1921, and the Enactment of an Additional Section, Permitting County Boards of Equalization to Change the Classification or Value of Property in Their Counties and Prohibiting the State Board of Equalization from Raising Generally the Values of Any Class of Property in a County, Without a General Hearing in Said County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2114 of the Revised Codes of Montana, 1921, as amended by Chapter 43 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, be, and the same is hereby amended to read as follows:

When Board of County Commissioners may increase or lower any assessment.

"Section 2114. The Board has power after giving notice in such matter as it may by rule prescribe, to increase or lower any assessment contained in the assessment book, so as to equalize the assessment of the property contained therein and make the assessment conform to the true value of such property in money, and immediately after reaching a decision, the Board shall notify the taxpayer, in writing, of such decision, specifying the change, if any, made in the assessment; said notice to be given by registered mail, addressed to the taxpayer at his last known place of residence. The Board also

Notice.

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has power, in the event that any class of property is assessed as a class, at more or less than its actual value, by the County Assessor and the valuation of such property within the county demands a general re-classification by raising or lowering all of the property in said class a certain percentage, the same may be done by the Board of County Commissioners."

Board has same power as to any class of property.

Section 2. That Section 2115, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

"Section 2115. No reduction must be made in the valuation of property unless the party affected thereby, or his agent, makes and files with the Board a written application therefor verified by his oath, showing the facts upon which it is claimed such reduction should be made, except that the Board of County Commissioners shall have the right to raise or lower the valuation of all one class of property in a county, as provided in the preceding section."

Procedure for obtaining reduction in valuation.

Section 3. That Section 2116, Revised Codes of Montana, 1921, be, and the same is hereby amended to read as follows:

"Section 2116. Before the Board grants the application or makes any reduction applied for, it must examine on oath, the person or agent making the application touching the value of the property of such person. No reduction must be made unless such person or agent make an application and attends and answers all questions pertinent to the inquiry; except where the investigation is made by the County Commissioners and the change applies to all of a certain class of property in the county."

Duty of Board in granting reduction.

Section 4. The State Board of Equalization shall not be authorized to raise the value of any class of property in any county until after a public hearing in said county and on evidence received at said hearing and shall have no authority to raise the value of any class of property higher than the actual value established by testimony adduced at such hearing.

Board of Equalization may raise value after public hearing.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Repealing clause.

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Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1933.

CHAPTER 188

An Act to Provide for Conventions to Ratify Proposed Amendments to the Constitution of the United States.

Be it enacted by the Legislative Assembly of the State of Montana:

Ratification by convention.

Section 1. Whenever the Congress shall propose an amendment to the Constitution of the United States and shall propose that the same be ratified by convention in the states, a convention shall be held, as provided herein, for the purpose of ratifying such amendment.

Number of delegates.

Section 2. The number of delegates to be chosen to such convention shall be not less than one-half of the number of the members of the Legislative Assembly of Montana, and each county shall have one-half of the number of delegates as it is then entitled to elect members of the Legislative Assembly of Montana, provided, that when the number is an odd number, each county shall be entitled to one-half of the next even number.

When to be elected.

The delegates shall be elected at the next general election or primary nominating election held throughout the state, after the Congress has proposed the amendment, or at a special election to be called by the Governor, at his discretion, by proclamation at any time after the Congress has proposed the amendment, and except as otherwise provided herein, the election, in all respects,

How conducted.

from the nomination of candidates to and including the certificate of election, shall be in accordance as nearly as may be with the laws of the state relating to the election of members of the Legislative Assembly of the state.

Nomination by petition.

Section 3. Nomination of a candidate for the office of delegate shall be by petition, which shall be signed by not less than one hundred voters of the county. Nom-

How designated.

inations shall be without party or political designation, but shall be as "in favor of" or "opposed to" ratification of the proposed amendment. All petitions and the

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acceptances thereof shall be filed not less than thirty days prior to the election.

How result shall be determined.

Section 4. The results of the election shall be determined as follows: The total number of votes cast for each candidate 'in favor of' ratification, and the total number of votes cast for all candidates 'in favor of' ratification and the total number of votes cast for each candidate 'opposed to' ratification and the total number of votes cast for all candidates 'opposed to' ratification shall be ascertained, and the candidates equal to the number to be elected receiving the highest number of votes from the side that casts the greater number of votes in favor of or opposed to ratification, as the case may be, shall be deemed elected.

Form for ballot.

Section 5. On the official ballot there shall be printed the proposed amendment, the names of candidates for delegates to the convention, and appropriate instructions to the voters, all in substantially the following form:

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES
Delegates to the Convention to Ratify the Proposed Amendment.

The Congress has proposed an amendment to the Constitution of the United States which provides, (insert here the substance of the proposed amendment.)

The Congress has also proposed that the said amendment shall be ratified by conventions in the states.

In favor of ratification of the proposed amendment.	Opposed to ratification of the proposed amendment.
Vote for	Vote for .....
.....	.....
candidates only.	candidates only.
Names of candidates.	Names of candidates.

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When delegates shall meet.

Section 6. The delegates to the convention shall meet at the State Capitol on the first Monday in the month following the election, at 10:00 o'clock A. M., and shall constitute a convention to act upon the proposed amendment to the Constitution of the United States.

Rules of convention.

Section 7. A majority of the total number of delegates to the convention shall constitute a quorum. The convention shall have power to choose a President and Secretary, and all other necessary officers, and to make rules governing the procedure of the convention. It shall be the judge of the qualifications and election of its own members.

Mileage and per diem allowed.

Section 8. Each delegate shall receive mileage and per diem as provided by law for members of the Legislative Assembly. The Secretary and other officers shall receive such compensation as may be fixed by the convention.

Certificate to be issued as to result.

Section 9. When the convention shall have agreed by a majority of the vote of the total number of delegates in attendance at such convention, a certificate to that effect shall be executed by the President and Secretary of the convention, and transmitted to the Secretary of State of the United States.

Qualifications of electors.

Section 10. Those entitled to petition for the nomination of candidates and to vote at such election shall be determined as now provided by the registration laws of Montana.

Act of U. S. Government shall supersede.

Section 11. If the Congress shall either in the resolution submitting the proposed amendment, or by statute, prescribe the manner in which the convention shall be constituted, the preceding provisions of this Act shall be inoperative, and the convention shall be constituted and held as the said resolution or Act of Congress shall direct, and all officers of the State of Montana who may by said resolution or statute be authorized to direct, or be directed to take any action to constitute such a convention for this state, are hereby authorized and directed to act thereunder, and in obedience thereto, with the same force and effect as if acting under a statute of this state.

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Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1933.

CHAPTER 189

An Act Authorizing the State to Engage in the Purchase of Crude Oil and the Purchase and Sale of Gasoline, Oils and Lubricants; to Construct, Purchase or Lease and Operate Oil Refineries; Providing the Manner in Which Said Business Shall be Initiated and Conducted, and Making an Appropriation for the Purpose of Carrying Out the Provisions of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose and intent.

Section 1. The State of Montana in the exercise of its sovereign and police powers declares that engaging on its part in the business of buying crude oil and of buying and selling gasoline, oils and lubricants, and of constructing, purchasing or leasing and operating oil refineries, is a public purpose and is necessary for the good order, peace, safety, convenience and welfare of its people.

Power granted to buy and sell gasoline, etc.

Section 2. The State Purchasing Agent is hereby granted authority, when so directed by the Governor, Attorney General and State Treasurer, or a majority of them, to buy gasoline, oils and lubricants and to sell the same at wholesale and retain within the state, and to construct, purchase or lease and operate a refinery or refineries for the purpose of refining crude oil, including crude oil owned by the state and that purchased by him from others, and of manufacturing and selling gasoline, oils and lubricants, provided, however, that the authority herein granted, or any thereof, shall not be exercised except when the retail prices exacted by other dealers are found by such officers, or a majority of them, to be unreasonable and excessive. All tanks and other storage facilities, and all lands, platforms and unloading equipment now or hereafter owned or leased by the state, and not used exclusively for other purposes, may be used in conducting such business.

When authority is to be exercised.

Equipment.

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Sales for cash.

Section 3. All sales of gasoline, oils and lubricants made under the authority herein granted shall be for cash only and at no time shall such sales be made at a loss to the state.

Duty to keep an accurate account.

Section 4. The State Purchasing Agent shall keep an accurate account of the quantities of crude oil, gasoline, oils and lubricants so purchased by him and the amounts paid therefor, and of all sales of gasoline, oils and lubricants, whether purchased or manufactured, made at any established station or otherwise, and the receipts therefrom, and the cost of erecting, buying or leasing such refinery or refineries, together with all expenses incident to the business, and he shall semi-annually make a detailed report of all things connected with such business to the Governor, Attorney General and State Treasurer.

Separate fund in treasury.

Section 5. Moneys received from sales of products named herein shall be deposited with the State Treasurer in a special fund known as a gasoline marketing fund and disbursements therefrom requisitioned from the State Purchasing Agent to be approved by the State Board of Examiners and the State Auditor should draw therefrom.

Appropriation for Act.

Section 6. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of One Hundred Thousand Dollars ($100,000), or so much thereof as may be necessary, for the purpose of carrying out the provisions of this Act.

Not affected by Budget Act.

Section 7. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

State must pay taxes.

Section 8. If the State of Montana shall enter the business contemplated by this Act, it shall be subject to and shall pay all license taxes imposed by state or Federal law, upon persons and corporations engaged in like business in this state.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1933.

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CHAPTER 190

An Act to Amend Section 2209 of the Revised Codes of Montana for 1921, as Amended by Chapter 156 of the Session Laws of the Twenty-first Legislative Assembly, Relating to Notice of Application for Tax Deeds; and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2209 of the Revised Codes of Montana for 1921, as amended by Chapter 156 of the Session Laws of the Twenty-first Legislative Assembly, relating to notice of application for tax deed, be amended to read as follows:

"Section 2209. **Notice of Application for Tax Deed.** The purchaser of property sold for delinquent taxes or his assignee must, at least sixty (60) days, previous to the expiration of the time for redemption, or at least sixty (60) days before he applies for a deed, serve upon the owner of the property purchased, if known, and upon the person occupying the property, if the said property is occupied, and, if the records in the office of the County Clerk and Recorder show an unreleased mortgage or mortgages upon the property purchased, upon the mortgagee or mortgagees named in said mortgage or mortgages, or if assigned, upon the assignee or assignees of said mortgage or mortgages, a written notice, stating that said property, or a portion thereof, has been sold for delinquent taxes, giving the date of sale, the amount of property sold, the amount for which it was sold, the amount due, and the time when the right of redemption will expire, or when the purchaser will apply for a tax deed, and the owner of the property, or the mortgagee, or the assignee of said mortgagee has the right of redemption indefinitely until such notice has been given and the deed applied for, upon the payment of fees, percentages, penalties and costs required by law. Notice of any owner, mortgagee or assignee of mortgagee shall be given by registered letter addressed to such mortgagee or assignee at the post office address of said owner, mortgagee or assignee as disclosed by the mortgage records in the office of the County Clerk and Recorder. In case of unoccupied property, or a mining

When notice of application for tax deed must be given.

What it shall contain.

Right of redemption exists until notice is given.

How notice shall be given.

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claim, such notice must be by registered mail deposited in the post office, addressed to any known owner residing in or outside of said county with the postage thereon prepaid, at least sixty (60) days before the expiration of the time for redemption, or at least sixty (60) days before the purchaser applies for such tax deed, in addition to notice to the mortgagee or assignee of mortgagee in the manner, and as hereby is provided; provided, that in all cases where the post office address of the owner, mortgagee, or assignee is unknown, the applicant shall publish once a week for two (2) successive weeks in a newspaper published in the county where the property is situated, a notice substantially in the following form:

When publication shall be given.

Form for publication.

Notice of Application for Tax Deed

Notice is hereby given that the undersigned will on the.....day of.....19..... apply to the County Treasurer of.....County for a Tax Deed to the following described property, to-wit:

(Describe property)

Amount due $.....

Date.....

.....

Applicant.

Date of publication.

The first publication of such notice must be made at least sixty (60) days before the date of redemption or application for said deed. In all cases due proof of service of notice in whatever manner given, supported by the affidavit required by law, must be filed immediately with the Clerk and Recorder of the county in which the property is situated, and be kept as a permanent file in his office, and such proof of notice when so filed shall be prima facie evidence of the sufficiency of the notice."

Proof of service of notice.

Repealing clause.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1933.

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CHAPTER 191

An Act to Amend Chapter Twenty-one, Enacted by the Twenty-second Legislative Assembly of the State of Montana Entitled: "An Act Providing for a Basis of Imposition of Taxes on Agricultural Products in Storage, or Held on the Farm, and Amending All Acts and Parts of Acts in Conflict Herewith", and to Include Livestock on Feed Within the Terms Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 21, enacted by the Twenty-second Legislative Assembly of the State of Montana, be amended to read as follows:

"Section 1. As a basis for the imposition of taxes upon agricultural products in storage or held on the farm, and all livestock actually held on feed for purposes of slaughter and sold and removed from the county on or before the fifteenth day of April of the year in which the tax levy is made, seven per centum (7%) of the true and full value shall be taken." Basis for taxation purposes.

Section 2. This Act shall apply only to levies and assessments made from and after the first Monday of March, 1933. When effective.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed or amended to conform hereto and this Act shall be in full force and effect from and after its passage and approval. Repealing clause.

Approved March 17, 1933.

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

ENACTED BY THE

Twenty-third Legislative Assembly

STATE OF MONTANA

1933

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 1

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Twenty-third Legislative Assembly; Per Diem to the Officers and Attaches and for Incidental Expenses of the Twenty-third Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the Twenty-third Legislative Assembly of the State of Montana, One Hundred Five Thousand Dollars ($105,000.00);

For the payment of per diem to the officers and attaches of the Twenty-third Legislative Assembly of the State of Montana, Thirty-five Thousand Dollars ($35,000.00);

For the payment of incidental expenses of the Twenty-third Legislative Assembly of the State of Montana, Ten Thousand Dollars ($10,000.00).

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 9, 1933.

HOUSE BILL NO. 14

An Act to Appropriate Funds for the Payment of Certain Deficiency Claims Arising for Obligations Incurred by the District Judges' Expense.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may

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be necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the District Judges' expense.

For obligations incurred by the District Judges' expense, Two Thousand Six Hundred and Seven and 11/100 Dollars ($2,607.11).

More particularly itemized as follows:

Edgar Baker	$ 99.60
B. E. Berg	95.46
Asa L. Duncan	97.95
C. B. Elwell	120.65
H. H. Ewing	6.92
Stanley E. Felt	156.09
Wm. L. Ford	145.42
John C. Huntoon	66.32
A. J. Horsky	19.03
John Hurly	78.44
R. M. Hattersley	101.42
R. M. Hattersley	58.16
G. J. Jeffries	312.65
Theo. Lentz	54.90
Frank P. Leiper	153.90
S. D. McKinnon	144.75
S. E. Paul	120.19
Chas. W. Pomeroy	38.51
Henry G. Rodgers	93.50
Jas. M. Self	102.48
Robert C. Stong	32.21
F. E. Stranahan	6.30
Geo. B. Winston	65.56
Lyman H. Bennett	436.70

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved January 31, 1933.

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SUBSTITUTE HOUSE BILL NO. 15

An Act to Appropriate Money for Payment of Mileage and Per Diem to the Presidential Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other purpose:

For the payment of mileage and per diem for the Presidential Electors, One Hundred Sixty-seven and no/100 Dollars $167.00

The same being more particularly itemized as follows:

Guy C. Derry, Fifty-seven and 80/100 Dollars..... $ 57.80
Mrs. Otto Simonson, Twenty-four and 40/100 Dollars..... $ 24.40
Thomas Dignan, Eighty-four and 80/100 Dollars..... $ 84.80

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 1, 1933.

HOUSE BILL NO. 16

An Act Appropriating Money for the Payment of Claim of Andy Briscoe as Compensation or as a Pension, Due to Injuries Received While on Duty in the Service of the State of Montana as a Private in the Service Company, 163rd, Infantry, Montana National Guard.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Five Hundred Sixty Dollars ($1,560.00), or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of pay-

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ing the claim of Andy Briscoe for compensation or as a pension, due for injuries received while on duty in the service of the State of Montana as a private in the Service Company, 163rd Infantry, Montana National Guard, at Helena, Montana, on the tenth day of June, 1925, the said compensation or pension being provided for by Section 1376 of the Revised Codes of Montana, 1921.

Section 2. That the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer, payable to the said Andy Briscoe, on the first day of each and every month subsequent to March first, 1933, to and including the month of February, 1935, said monthly warrants to be in the sum of Sixty-five Dollars ($65.00).

Section 3. The money herein appropriated by the provision of this Act shall not be paid to the said Andy Briscoe, until the said Andy Briscoe shall have first filed with the State Board of Examiners a release of that part of his said claim which shall have accrued from the date of the said accident until the first day of March, 1933.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved February 2, 1933.

HOUSE BILL NO. 18

An Act Appropriating Money for the Payment of the Claim of Catharine Crossland Smith as Compensation for Expenses Incurred by Her Husband, the Late Robert B. Smith, While in the Performance of His Duties as Governor of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. THAT WHEREAS, the late Robert B. Smith, while in the performance of his duties as Governor of the State of Montana incurred certain expenses, in the sum of not less than One Thousand Eight Hundred Dollars ($1,800.00), paid from his personal funds and which have not heretofore been repaid by the State of Montana and which expenses constitute a valid claim against the State of Montana;

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NOW, THEREFORE, there is hereby appropriated out of any moneys in the treasury of the State of Montana, not otherwise appropriated, the sum of One Thousand Eight Hundred Dollars ($1,800.00) for the payment of said claim to Catharine Crossland Smith, the widow of said Robert B. Smith, and the State Treasurer is hereby authorized and directed to draw his warrants on the general fund, monthly on the first day of each and every month, beginning with the month of July, 1933 and ending with the month of June, 1935 payable to the said Catharine Crossland Smith, each of said warrants to be in the amount of Seventy-five Dollars ($75.00). Provided that in the event of the death of Catharine Crossland Smith, said monthly payments shall cease immediately.

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved February 8, 1933.

HOUSE BILL NO. 46

An Act Appropriating Money for the Two Year Period Beginning July 1, 1933, and Ending June 30, 1935, for the Payment of Refunds or Drawbacks Under the Provisions of Chapter 168, Laws of the Twenty-first Legislative Assembly of the State of Montana, or Any Amendments Thereto, Relating to Refunds of License Taxes Paid by Dealers in Gasoline.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That a sum of money equal to the total of all claims of refund or drawback allowed and approved by the State Board of Equalization during the year commencing July 1, 1933, and ending June 30, 1934, under the provisions of Chapter 168, Laws of the Twenty-first Legislative Assembly of the State of Montana, or any amendments thereto, be, and the same is hereby appropriated out of any money in the state treasury to the credit of the "Gasoline License Drawback Fund", for the purpose of paying such refunds or drawbacks.

Section 2. That a sum of money equal to the total of all claims of refund or drawback allowed and approved by the State Board of Equalization during the year commencing July 1, 1934, and ending June 30, 1935, under the provisions of Chapter 168, Laws of

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the Twenty-first Legislative Assembly of the State of Montana, or any amendments thereto, be, and the same is hereby appropriated out of any money in the state treasury to the credit of the "Gasoline License Drawback Fund", for the purpose of paying such refunds or drawbacks.

Section 3. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 7, 1933.

HOUSE BILL NO. 47

An Act Appropriating Money for the State Highway Commission for the Period Beginning July 1, 1933 and Ending June 30, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of the state highway fund the sum of Six Million Five Hundred Thousand Dollars ($6,500,000), together with all additional moneys from the sale of debenture bonds, which may be deposited by law to the credit of said fund during the period from July 1, 1933 to June 30, 1935, not otherwise appropriated, and including the unexpended balance in said fund on June 30, 1933, for expenditure by the State Highway Commission as provided by law during the period from July 1, 1933 to June 30, 1935; provided, that the total cost to the state for administration and engineering on the Federal Aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state Federal Aid and other available funds expended under the supervision of the State Highway Commission as provided by Initiative Measure No. 31 and Acts supplementary or amendatory thereto; provided further, that the Commission shall file with the Governor a monthly report showing the overhead cost of operation; provided further, that the State Treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the State Highway Commission, subject to the approval of the State Board of Examiners, such parts of the money hereby appropriated as are necessary to match Federal Aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the same manner as other moneys in said fund are expended.

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Section 2. The appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 7, 1933.

HOUSE BILL NO. 83

An Act to Appropriate Money for the Operation and Maintenance of the Six Units of the University of Montana, for the Agricultural Experiment Stations and the Sub-stations, for Farmers' Extension Work, for the Bureau of Mines, for the Students' Railroad Fare Refund, for the Period Beginning July 1, 1933, and Ending June 30, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, from the University millage fund not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1933, and ending June 30, 1934.

STATE UNIVERSITY

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, One Hundred Seventy-nine Thousand Six Hundred Fifty-five Dollars $179,655

For Capital and Repairs, Eighteen Thousand One Hundred Dollars ..... $ 18,100

For Other Operations, Thirty-seven Thousand Four Hundred Forty-five Dollars ..... $ 37,445

In addition thereto there is hereby appropriated for the support and maintenance of the State University all earnings of said institution, all incomes from land grants and endowments and all other funds of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921.

STATE AGRICULTURAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, One Hundred Fifteen Thousand One Hundred Seventy Dollars $115,170

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For Capital and Repairs, Eighteen Thousand One Hundred Eleven Dollars ..... $ 18,111

For Other Operations, Eight Thousand Seven Hundred Nine Dollars ..... $ 8,709

In addition thereto there is hereby appropriated for the support and maintenance of the Agricultural College all earnings of said institution, all income from land grants, endowments, Federal funds and all other funds, of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921.

STATE SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Thirty Thousand Two Hundred Fifty-seven Dollars ..... $ 30,257

For Capital and Repairs, Seven Thousand Three Hundred Dollars ..... $ 7,300

For Other Operations, Four Thousand Ninety Dollars ..... $ 4,090

BUREAU OF MINES AND GEOLOGY

For Salaries and Other Expenses for Operating Bureau of Mines and Geology, Twelve Thousand Six Hundred Sixty-six Dollars ..... $ 12,666

In addition thereto there is hereby appropriated all earnings of said institution, all income from land grants and endowments, and all other funds of said School of Mines, as provided under Chapter 12, Revised Codes of Montana, 1921.

STATE NORMAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Forty-two Thousand Seventy-one Dollars ..... $ 42,071

For Capital and Repairs, Three Thousand Four Hundred Thirty-six Dollars ..... $ 3,436

For Other Operation, Fifteen Thousand Three Hundred Thirty-six Dollars ..... $ 15,336

In addition thereto there is hereby appropriated all earnings of said institution, one-half of all income from land grants and all endowments, and all other funds of said State Normal College, as provided in Chapter 12, Revised Codes of Montana, 1921.

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EASTERN MONTANA NORMAL SCHOOL

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, including the sum of Seven Hundred Dollars, ($700.00) for the Branch Regional Summer School at Miles City, Thirty-four Thousand Nine Hundred Fifty-five Dollars ..... $ 34,955

For Capital and Repairs, Five Thousand Eight Hundred Two Dollars ..... $ 5,802

For Other Operation, One Thousand Forty-three Dollars ..... $ 1,043

In addition thereto there is appropriated all earnings of said institution, and one-half of all income from land grants, as provided in Chapter 12, Revised Codes of Montana, 1921.

NORTHERN MONTANA SCHOOL

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Twenty-three Thousand Seven Hundred Thirty-two Dollars ..... $ 23,732

For Capital and Repairs, Six Thousand Six Hundred Eighty-three Dollars ..... $ 6,683

For Other Operation, Eight Thousand Nine Hundred Eighty-nine Dollars ..... $ 8,989

In addition thereto there is hereby appropriated all earnings of said institution as provided in Chapter 12, Revised Codes of Montana, 1921.

EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Twenty Thousand Eight Hundred Fourteen Dollars ..... $ 20,814

For Capital and Repairs, One Thousand Two Hundred Forty Dollars ..... $ 1,240

For Other Operation, Twenty Thousand Seven Hundred Sixty-three Dollars ..... $ 20,763

For the Operation and Maintenance of Livestock Research Laboratory, Five Thousand Dollars ..... $ 5,000

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FOR EXPERIMENTAL SUB-STATIONS

Grain Laboratory, Four Thousand Four Hundred Dollars	$ 4,400
Horticultural Branch Station, Two Thousand Seven Hundred Dollars	$ 2,700
Huntley Branch Station, One Thousand Dollars	$ 1,000
Judith Basin Sub-station, Six Thousand Dollars	$ 6,000
North Montana Branch Station, Ten Thousand Dollars	$ 10,000
Fort Keogh Livestock Range Station, Six Hundred Dollars	$ 600

In addition thereto there is hereby appropriated for the Experiment Station and Sub-stations all earnings which accrue to the different departments contained herein and all Federal funds of said institution as provided in Chapter 12, Revised Codes of Montana, 1921.

EXTENSION SERVICE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Thirty Thousand Fifty-two Dollars	$ 30,052
For Other Operation, Nineteen Thousand One Hundred Fifty-eight Dollars	$ 19,158

In addition thereto there is hereby appropriated for the Extension Service all income that may accrue to this department, as provided under Chapter 12, Revised Codes of Montana, 1921, and all other moneys received as Federal Aid.

FOR STUDENT RAILWAY FARE REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon the institutions of the Greater University of Montana, Two Thousand Dollars	$ 2,000

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, from the University millage fund, not otherwise appropriated, and out of any special fund herein designated, for the objects and purposes hereinafter expressed, for the year beginning July 1, 1934, and ending June 30, 1935.

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STATE UNIVERSITY

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, One Hundred Seventy-nine Thousand Six Hundred Fifty-five Dollars $179,655

For Capital and Repairs, Eighteen Thousand One Hundred Dollars ..... $ 18,100

For Other Operations, Thirty-seven Thousand Four Hundred Forty-five Dollars ..... $ 37,445

In addition thereto there is hereby appropriated for the support and maintenance of the State University all earnings of said institution, all incomes from land grants and endowments and all other funds of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921.

STATE AGRICULTURAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, One Hundred Fifteen Thousand One Hundred Seventy Dollars $115,170

For Capital and Repairs, Eighteen Thousand One Hundred Eleven Dollars ..... $ 18,111

For Other Operations, Eight Thousand Seven Hundred Nine Dollars ..... $ 8,709

In addition thereto there is hereby appropriated for the support and maintenance of the Agricultural College all earnings of said institution, all income from land grants, endowments, Federal funds and all other funds, of said institution, as provided in Chapter 12, Revised Codes of Montana, 1921.

STATE SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Thirty Thousand Two Hundred Fifty-seven Dollars ..... $ 30,257

For Capital and Repairs, Seven Thousand Three Hundred Dollars ..... $ 7,300

For Other Operations, Four Thousand Ninety Dollars..... $ 4,090

BUREAU OF MINES AND GEOLOGY

For Salaries and Other Expenses for Operating Bureau of Mines and Geology, Twelve Thousand Six Hundred Sixty-six Dollars ..... $ 12,666

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In addition thereto there is hereby appropriated all earnings of said institution, all income from land grants and endowments, and all other funds of said School of Mines, as provided under Chapter 12, Revised Codes of Montana, 1921.

STATE NORMAL COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Forty-two Thousand Seventy-one Dollars.... $ 42,071

For Capital and Repairs, Three Thousand Four Hundred Thirty-six Dollars ..... $ 3,436

For Other Operations, Fifteen Thousand Three Hundred Thirty-six Dollars ..... $ 15,336

In addition thereto there is hereby appropriated all earnings of said institution, one-half of all income from land grants and all endowments, and all other funds of said State Normal College, as provided in Chapter 12, Revised Codes of Montana, 1921.

EASTERN MONTANA NORMAL SCHOOL

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, including the sum of Seven Hundred Dollars, ($700.00) for the Branch Regional Summer School at Miles City, Thirty-four Thousand Nine Hundred Fifty-five Dollars ..... $ 34,955

For Capital and Repairs, Five Thousand Eight Hundred Two Dollars ..... $ 5,802

For Other Operation, One Thousand Forty-three Dollars ..... $ 1,043

In addition thereto there is appropriated all earnings of said institution, and one-half of all the income from land grants, as provided in Chapter 12, Revised Codes of Montana, 1921.

NORTHERN MONTANA SCHOOL

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Twenty-three Thousand Seven Hundred Thirty-two Dollars ..... $ 23,732

For Capital and Repairs, Six Thousand Six Hundred Eighty-three Dollars ..... $ 6,683

For Other Operation, Eight Thousand Nine Hundred Eighty-nine Dollars ..... $ 8,989

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In addition thereto there is hereby appropriated all earnings of said institution as provided in Chapter 12, Revised Codes of Montana, 1921.

EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Twenty Thousand Eight Hundred Fourteen Dollars ..... $ 20,814

For Capital and Repairs, One Thousand Two Hundred Forty Dollars ..... $ 1,240

For Other Operation, Twenty Thousand Seven Hundred Sixty-three Dollars ..... $ 20,763

For the Operation and Maintenance of Livestock Research Laboratory, Five Thousand Dollars..... $ 5,000

FOR EXPERIMENTAL SUB-STATIONS

Grain Laboratory, Four Thousand Four Hundred Dollars ..... $ 4,400

Horticultural Branch Station, Two Thousand Seven Hundred Dollars ..... $ 2,700

Huntley Branch Station, One Thousand Dollars..... $ 1,000

Judith Basin Sub-station, Six Thousand Dollars..... $ 6,000

North Montana Branch Station, Ten Thousand Dollars.... $ 10,000

Fort Keogh Livestock Range Station, Six Hundred Dollars ..... $ 600

In addition thereto there is hereby appropriated for the Experiment Station and Sub-stations all earnings which accrue to the different departments contained herein and all Federal funds of said institution as provided in Chapter 12, Revised Codes of Montana, 1921.

EXTENSION SERVICE

FROM THE UNIVERSITY MILLAGE FUND

For Salaries, Thirty Thousand Fifty-two Dollars..... $ 30,052

For Other Operation, Nineteen Thousand One Hundred Fifty-eight Dollars ..... $ 19,158

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In addition thereto there is hereby appropriated for the Extension Service all income that may accrue to this department, as provided under Chapter 12, Revised Codes of Montana, 1921, and all other moneys received as Federal Aid.

FOR STUDENT RAILWAY FARE REFUNDS
FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon the institutions of the Greater University of Montana, Two Thousand Dollars ..... $ 2,000

Section 3. It is further provided that the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts or parts of amounts listed herein to supplement the amounts appropriated for other items, provided, that the aggregate amount of the total appropriation is neither increased or decreased for the department to which the appropriation pertains.

Section 4. Appropriations contained herein shall not be used for travel for conventions, teachers' meetings, association meetings, or gatherings of like character, wherein said meetings are held outside the State of Montana. It is further provided that the appropriations contained herein shall not be used for salary and expenses of a Chancellor of the University of Montana.

Section 5. Provided, however, that in the event that one or more units of the Greater University shall be discontinued or abolished by law, the foregoing appropriations shall revert to the University millage fund and the amounts appropriated shall not be expended for any other purpose other than retiring outstanding warrants created by the University millage fund.

Section 6. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 14, 1933.

HOUSE BILL NO. 118

An Act Appropriating Money for the Payment of Certain Obligations Incurred on Behalf of the Northern Montana Forestry Association, Kalispell, Montana, on Account of Fire Suppression During the Year 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Three Thousand Sixty and 60/100

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Dollars ($3,060.60) be, and the same is hereby appropriated out of any moneys now in the state treasury, not otherwise appropriated for the payment of certain obligations incurred on behalf of the Northern Montana Forestry Association, Kalispell, Montana, on account of forest fire suppression during the year 1931.

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

HOUSE BILL NO. 123

An Act Appropriating Money for the Payment of Certain Obligations Incurred on Behalf of the Blackfoot Forest Protective Association, Bonner, Montana, on Account of Fire Suppression During the Year 1931.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of Thirteen Hundred Forty-two and 21/100 Dollars ($1342.21) be, and the same is hereby appropriated out of any moneys now in the state treasury, not otherwise appropriated for the payment of certain obligations incurred on behalf of the Blackfoot Forest Protective Association, Bonner, Montana, on account of forest fire suppression during the year 1931.

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

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HOUSE BILL NO. 126

An Act Appropriating Money for Custodian and Maintenance and Repairs of the Montana State Fair Grounds and Buildings Beginning July 1, 1933 and Ending June 30, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary and the same are hereby appropriated out of any money in the state treasury not otherwise appropriated, beginning July 1, 1933 and ending June 30, 1934.

MONTANA STATE FAIR GROUNDS AND BUILDINGS

FROM THE GENERAL FUND

For Salary of Custodian, Nine Hundred Dollars	$ 900.00
For Maintenance and Repairs, Two Hundred Fifty Dollars	250.00

Section 2. That the following sums or so much thereof as may be necessary and the same are hereby appropriated out of any money in the state treasury not otherwise appropriated, beginning July 1, 1934 and ending June 30, 1935.

MONTANA STATE FAIR GROUNDS AND BUILDINGS

FROM THE GENERAL FUND

For Salary of Custodian, Nine Hundred Dollars	$ 900.00
For Maintenance and Repairs, Two Hundred Fifty Dollars	250.00

Section 3. All fees and earnings of the Montana State Fair and all earnings from rentals of the Montana State Fair Grounds, are hereby appropriated to pay the expenses of the Montana State Fair.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 5. That all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 14, 1933.

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HOUSE BILL NO. 140

An Act to Appropriate Money for the Operation and Maintenance, and Other Purposes, as Designated Herein, for the Several State Departments, Boards, Commissions and Bureaus of the State of Montana for the Period Beginning July 1, 1933 and Ending June 30, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as shall severally be found necessary, be and the same are hereby appropriated out of any money in the state treasury not otherwise appropriated, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1933 and ending June 30, 1934.

LIVESTOCK SANITARY BOARD

FROM THE GENERAL FUND

For Salaries, Supplies and Expenses, Forty-five Thousand Dollars ..... $ 45,000

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock as provided in Chapter 234, Revised Codes of Montana, 1921, and for salaries and expenses of the Livestock Sanitary Board, such sums as may be available, to be paid from the Livestock Sanitary Board fund.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the Livestock Sanitary Board, as much as may be required, when such emergency is declared to exist by the Board of Examiners.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For Salaries, Supplies and Expenses, Seventeen Thousand Five Hundred Dollars ..... $ 17,500

FROM THE LIVESTOCK COMMISSION FUND

For the payment of salaries and expenses of the Livestock Commission, so much thereof as may be available.

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FROM THE BOUNTY FUND

For Salary of One Clerk, One Thousand Four Hundred Forty Dollars ..... $ 1,440

For the payment of bounty claims so much thereof as may be necessary.

FROM THE STOCK ESTRAY FUND

So much thereof as may be necessary for the payment of estray claims.

BUREAU OF CIVILIAN REHABILITATION

FROM THE GENERAL FUND

For Salaries, Three Thousand Four Hundred Fifty Dollars ..... $ 3,450

For Other Operation, One Thousand Five Hundred Fifty Dollars ..... $ 1,550

For Payment of Maintenance of Vocational Trainees, Seven Thousand Dollars ..... $ 7,000

FROM THE CIVILIAN REHABILITATION U. S. AID FUND

For other operation, in connection with the work of the Bureau of Civilian Rehabilitation, so much thereof as may be available.

BOARD OF ENTOMOLOGY

FROM THE GENERAL FUND

For Salaries and Expenses, Three Thousand Dollars..... $ 3,000

BOARD OF HEALTH

FROM THE GENERAL FUND

For Salaries, Twenty-three Thousand Five Hundred Dollars ..... $ 23,500

For Capital and Repairs, Five Hundred Dollars..... $ 500

For Other Operation, Two Thousand Seven Hundred Fifty Dollars ..... $ 2,750

CHILD WELFARE DIVISION

For Salaries and Expenses, Ten Thousand Five Hundred Dollars ..... $ 10,500

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FROM REVOLVING FUND

All fees and earnings to be used in connection with the Board of Health and the Child Welfare Division.

The amounts above appropriated are declared to be in addition to any money received for any special work in connection with the Department of Child Welfare or Board of Health.

STATE EXAMINER

FROM THE GENERAL FUND

For Salaries, Thirty-one Thousand One Hundred Fifty Dollars ..... $ 31,150

For Capital and Repairs, Three Hundred Dollars..... $ 300

For Other Operation, Eleven Thousand Nine Hundred Fifty Dollars ..... $ 11,950

FROM SPECIAL EXAMINERS' FUND

All fees and earnings from special examinations to be used in connection with the work of the Department.

ADJUTANT GENERAL

FROM THE GENERAL FUND

For Salaries, Five Thousand Eight Hundred Fifty Dollars ..... $ 5,850

For Rent of Drill Halls and Storerooms, Eight Thousand Five Hundred Dollars ..... $ 8,500

For Capital, Repairs and Other Operations, Two Thousand Nine Hundred Fifteen Dollars..... $ 2,915

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For Salaries and Expenses, Eleven Thousand Dollars..... $ 11,000

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to meet claims lawfully payable from this fund.

INDUSTRIAL ACCIDENT BOARD

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

For Salaries, Thirty-two Thousand One Hundred Forty-six Dollars ..... $ 32,146

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For Capital, Repair and Other Operating Expenses, so much thereof as may be necessary to be paid from the Industrial Administrative fund.

BOARD OF COAL MINE INSPECTORS

FROM THE GENERAL FUND

For the Per Diem and Expense of the Coal Mine Examiners, Three Hundred Seventy-five Dollars..... $ 375

BOARD OF EDUCATION

FROM THE GENERAL FUND

For the Payment of Expenses of the Board of Education, Seven Hundred Eighty Dollars..... $ 780

FROM THE COMMON SCHOOL EQUALIZATION FUND

For Salary of One Clerk, Twelve Hundred Dollars..... $ 1,200

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For the Payment of Salaries, Supplies and Expenses in Connection with Vocational Education, Ten Thousand Dollars ..... $ 10,000

In addition to the foregoing amount all income from Federal Aid, known as the Vocational U. S. Aid fund and the George Reed fund are hereby appropriated. No reimbursements shall be made to any of the institutions of higher learning from any of the above funds.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For Supplies and Expenses in the Operation of the Office of the State Entomologist, Three Hundred Dollars ..... $ 300

TEXT BOOK COMMISSION

FROM THE GENERAL FUND

For the Payment of Expenses for the Text Book Commission, Three Hundred Seventy-five Dollars..... $ 375

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STATE LAW LIBRARY

FROM THE GENERAL FUND

For Salaries, Three Thousand Three Hundred Fifteen Dollars ..... $ 3,315
For Binding Books, Fifty Dollars ..... $ 50
For Legislative Reference Bureau, Seventy-five Dollars.. $ 75
For Capital and Repairs, Fifty Dollars ..... $ 50
For Other Operation, Two Hundred Thirty-one Dollars Fifty Cents ..... $ 231.50

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books as provided in Section 1556, Revised Codes of Montana, 1921.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For Salaries, Three Thousand Two Hundred Forty Dollars ..... $ 3,240
For Capital and Repairs, One Hundred Fifty Dollars..... $ 150
For Other Operations, Three Hundred Eighty Dollars.... $ 380

STATE BOARD OF EXAMINERS

FROM THE GENERAL FUND

For Salaries, Six Thousand Five Hundred Forty-six Dollars ..... $ 6,546
For Capital and Other Expenses, One Thousand One Hundred Seventy Dollars ..... $ 1,170

STATE ACCOUNTANT AND BUDGET OFFICE

FROM THE GENERAL FUND

For Salaries, Nine Thousand Seven Hundred Dollars..... $ 9,700
For Capital and Repairs, One Hundred Fifty Dollars..... $ 150
For Other Operation, Two Thousand One Hundred Dollars ..... $ 2,100

STATE ENGINEER

FROM THE GENERAL FUND

For Salaries, Four Thousand One Hundred Seventy Dollars ..... $ 4,170
For Capital and Repairs, One Hundred Dollars..... $ 100

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FROM THE CAREY LAND ACT FUND

For Salaries and Expenses, One Thousand Dollars..... $ 1,000

COMMISSIONER OF STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

For Salaries, Seventeen Thousand Seven Hundred Forty Dollars ..... $ 17,740

For Capital, Repairs and Other Operations, Three Thousand Seven Hundred Sixty Dollars ..... $ 3,760

CHIEF FIELD AGENT

For Salaries, Four Thousand Five Hundred Dollars..... $ 4,500

Other Operating Expenses, Two Thousand Dollars..... $ 2,000

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

For Salaries of Administrative Officers and Employees, Sixty-nine Thousand Dollars ..... $ 69,000

For Salaries of Fish Hatchery Employees, Thirty-one Thousand Three Hundred Dollars ..... $ 31,300

For Capital, Repair and Other Operation, so much thereof as may be necessary wherein the funds are available.

BOARD OF CHARITIES AND REFORM

FROM THE GENERAL FUND

For Salaries and Expenses, Fifty Dollars ..... $ 50

BUREAU OF CHILD AND ANIMAL PROTECTION

FROM THE GENERAL FUND

For Salaries, Seven Thousand Seven Hundred Forty-four Dollars ..... $ 7,744

For Capital, Repairs and Other Operations, Two Thousand Six Hundred Thirty-six Dollars..... $ 2,636

CAPITOL BUILDING

FROM THE GENERAL FUND

For Salaries, Twenty-four Thousand Eight Hundred Ninety Dollars ..... $ 24,890

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For Capital and Repairs, Three Thousand One Hundred Fifty Dollars ..... $ 3,150

For Other Operations, Eleven Thousand Eight Hundred Eighty-five Dollars ..... $ 11,885

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For Salary of Custodian, Six Hundred Dollars..... $ 600

BOARD OF ARCHITECTURAL EXAMINERS

FROM THE ARCHITECTURAL BOARD FUND

All fees and earnings to carry out provisions of Chapter 230, Revised Codes of Montana, 1921.

BOARD OF EMBALMERS' EXAMINERS

FROM THE EMBALMERS' LICENSE FUND

All fees and earnings to carry out the provisions of Section 2456, Revised Codes of Montana, 1921.

BOARD OF MEDICAL EXAMINERS

FROM THE MEDICAL BOARD FUND

All fees and earnings as provided in Chapter 223, Revised Codes of Montana, 1921.

BOARD OF CHIROPRACTIC EXAMINERS

FROM THE CHIROPRACTIC EXAMINERS' FUND

All fees and earnings to carry out the provisions of Chapter 225, Revised Codes of Montana, 1921.

BEAUTY CULTURIST

There is hereby appropriated all money in the Beauty Culturist fund for distribution to the Common School fund of the counties to which it pertains.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

For Salaries and Expenses, Three Thousand Five Hundred Dollars ..... $ 3,500

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For Gifts and Relief to War Veterans, Three Thousand Five Hundred Dollars ..... $ 3,500

BOARD OF EQUALIZATION

FROM THE GENERAL FUND

For Salaries, Twenty Thousand Four Hundred Ninety Dollars ..... $ 20,490

For Capital and Repairs, Two Hundred Fifty Dollars.... $ 250

For Other Operations, Five Thousand Nine Hundred Eighty-five Dollars ..... $ 5,985

FROM THE HIGHWAY FUND

In connection with the collection of gasoline tax and gasoline drawbacks.

For Salaries, Fifteen Thousand Five Hundred Fifty-five Dollars ..... $ 15,555

For Capital and Repairs, Five Hundred Dollars..... $ 500

For Other Operations, Five Thousand Dollars..... $ 5,000

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY

FROM THE GENERAL FUND

ADMINISTRATION

For Salaries, Six Thousand Eight Hundred Forty Dollars ..... $ 6,840

For Capital and Repairs, One Hundred Dollars..... $ 100

For Other Operations, Four Hundred Eighty Dollars..... $ 480

DAIRY DIVISION

FROM THE DAIRY DIVISION REVOLVING FUND

For Salaries, Eight Thousand Three Hundred Sixty-three Dollars ..... $ 8,363

For other expenses, so much thereof as may be necessary to pay lawful claims against the Department, wherein the funds are available.

GRAIN GRADING AND SCALE TESTING DIVISION

FROM THE GRAIN GRADING REVOLVING FUND

For Salaries, Eleven Thousand Three Hundred Fifty Dollars ..... $ 11,350

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For other expenses, so much thereof as may be necessary to pay lawful claims against the Department, wherein funds are available.

HORTICULTURAL DIVISION

FROM THE GENERAL FUND

For Salaries of Horticulturist and Secretary, Three Thousand Four Hundred Fifty Dollars ..... $ 3,450

For Salaries and Travel Expenses of Inspectors, Two Thousand Dollars ..... $ 2,000

FROM THE HORTICULTURAL REVOLVING FUND

For Salaries and Travel Expense of Inspectors, Seven Thousand Seven Hundred Thirty Dollars ..... $ 7,730

For other operating expenses, so much thereof as may be necessary wherein the funds are available.

POULTRY SHOWS

FROM THE GENERAL FUND

For equal allotments to counties holding Poultry Shows, Five Hundred Dollars ..... $ 500

APICULTURE DIVISION

FROM THE APICULTURE REVOLVING FUND

All fees and earnings of the Division are hereby appropriated for the Apiculture Division.

REAL ESTATE DIVISION

FROM THE REAL ESTATE REVOLVING FUND

So much thereof as may be necessary to provide office supplies to be used in connection with this Department and for the payment of travel expense in connection with the laws regulating real estate brokers, providing, however, that the total cost shall not exceed

Three Hundred Dollars ..... $ 300

DIVISION OF COMMERCIAL FERTILIZERS

FROM FERTILIZER REVOLVING FUND

All fees and earnings are hereby appropriated in connection with the work of the Commercial Fertilizers.

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STATE PURCHASING AGENT

FROM THE GENERAL FUND

For Salaries, Six Thousand Eight Hundred Fifty Dollars ..... $ 6,850

For Capital and Repairs, Seventy-five Dollars..... $ 75

For Other Operations, One Thousand Seventy-five Dollars ..... $ 1,075

FROM THE HIGHWAY FUND

For Salaries and Expenses, Four Thousand Dollars..... $ 4,000

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Four Thousand Dollars..... $ 4,000

ORTHOPEDIC COMMISSION

FROM THE GENERAL FUND

For Operation and Maintenance, Eleven Thousand Dollars ..... $ 11,000

STATE FORESTER

FROM THE GENERAL FUND

ADMINISTRATION

For Salaries, Five Thousand Seven Hundred Twenty Dollars ..... $ 5,720

For Capital and Repairs, One Hundred Fifty Dollars ..... $ 150

For Other Operations, Eight Hundred Fifteen Dollars ..... $ 815

PROTECTION FOR STATE LANDS

For Salaries and Expenses, Twelve Thousand Dollars ..... $ 12,000

TIMBER SALES

For Salaries and Expenses, Five Thousand Dollars ..... $ 5,000

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FROM FORESTERS' COOPERATIVE FUND

In addition to the above appropriation there is hereby appropriated all revenue received by the Foresters' Cooperative fund for the use in protection of state lands and brush and slash disposal; provided, however, no administrative salaries shall be increased by reason of the use of this fund.

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE FUND

For Salaries, Eight Thousand Five Hundred Dollars..... $ 8,500

For other expenses, so much thereof as may be necessary to pay all lawful claims of the Motor Vehicle Department.

ATHLETIC COMMISSION

FROM THE ATHLETIC MEMORIAL FUND

So much thereof as may be necessary to pay all lawful claims of the Athletic Commission in carrying out the laws pertaining thereto.

Section 2. That the following sums or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the state treasury not otherwise appropriated, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1934 and ending June 30, 1935.

LIVESTOCK SANITARY BOARD

FROM THE GENERAL FUND

For Salaries, Supplies and Expenses, Forty-five Thousand Dollars ..... $ 45,000

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock as provided in Chapter 234, Revised Codes of Montana, 1921, and for salaries and expenses of the Livestock Sanitary Board, such sums as may be available, to be paid from the Livestock Sanitary Board fund.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the Livestock Sanitary Board, as much as may be required, when

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such emergency is declared to exist by the Board of Examiners.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For Salaries, Supplies and Expenses, Seventeen Thousand Five Hundred Dollars ..... $ 17,500

FROM THE LIVESTOCK COMMISSION FUND

For the payment of salaries and expenses of the Livestock Commission, so much thereof as may be available.

FROM THE BOUNTY FUND

For Salary of One Clerk, One Thousand Four Hundred Forty Dollars ..... $ 1,440

For the payment of bounty claims so much thereof as may be necessary.

FROM THE STOCK ESTRAY FUND

So much thereof as may be necessary for the payment of estray claims.

BUREAU OF CIVILIAN REHABILITATION

FROM THE GENERAL FUND

For Salaries, Three Thousand Four Hundred Fifty Dollars ..... $ 3,450

For Other Operations, One Thousand Five Hundred Fifty Dollars ..... $ 1,550

For Payment of Maintenance of Vocational Trainees, Seven Thousand Dollars ..... $ 7,000

FROM THE CIVILIAN REHABILITATION U. S. AID FUND

For other operation, in connection with the work of the Bureau of Civilian Rehabilitation, so much thereof as may be available.

BOARD OF ENTOMOLOGY

FROM THE GENERAL FUND

For Salaries and Expenses, Three Thousand Dollars..... $ 3,000

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BOARD OF HEALTH

FROM THE GENERAL FUND

For Salaries, Twenty-three Thousand Five Hundred Dollars ..... $ 23,500

For Capital and Repairs, Five Hundred Dollars..... $ 500

For Other Operations, Two Thousand Seven Hundred Fifty Dollars ..... $ 2,750

CHILD WELFARE DIVISION

For Salaries and Expenses, Ten Thousand Five Hundred Dollars ..... $ 10,500

FROM REVOLVING FUND

All fees and earnings to be used in connection with the Board of Health and the Child Welfare Division.

The amounts above appropriated are declared to be in addition to any money received for any special work in connection with the Department of Child Welfare or Board of Health.

STATE EXAMINER

FROM THE GENERAL FUND

For Salaries, Thirty-one Thousand One Hundred Fifty Dollars ..... $ 31,150

For Capital and Repairs, Three Hundred Dollars..... $ 300

For Other Operations, Eleven Thousand Nine Hundred Fifty Dollars ..... $ 11,950

FROM SPECIAL EXAMINERS' FUND

All fees and earnings from special examinations to be used in connection with the work of the Department.

ADJUTANT GENERAL

FROM THE GENERAL FUND

For Salaries, Five Thousand Eight Hundred Fifty Dollars ..... $ 5,850

For Rent of Drill Halls and Storerooms, Eight Thousand Five Hundred Dollars ..... $ 8,500

For Capital Repairs and Other Operations, Two Thousand Nine Hundred Fifteen Dollars ..... $ 2,915

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BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For Salaries and Expenses, Eleven Thousand Dollars.... $ 11,000

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to meet claims lawfully payable from this fund.

INDUSTRIAL ACCIDENT BOARD

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

For Salaries, Thirty-two Thousand One Hundred Forty-six Dollars ..... $ 32,146

For Capital, Repair and Other Operating Expenses, so much thereof as may be necessary to be paid from the Industrial Administrative fund.

BOARD OF EDUCATION

FROM THE GENERAL FUND

For the Payment of Expenses of the Board of Education, Seven Hundred Eighty Dollars ..... $ 780

FROM THE COMMON SCHOOL EQUALIZATION FUND

For Salary of One Clerk, Twelve Hundred Dollars..... $ 1,200

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For the Payment of Salaries, Supplies and Expenses in connection with Vocational Education, Ten Thousand Dollars ..... $ 10,000

In addition to the foregoing amount all income from Federal Aid, known as the Vocational U. S. Aid fund and the George Reed fund are hereby appropriated. No reimbursements shall be made to any of the institutions of higher learning from any of the above funds.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For Supplies and Expenses in the Operation of the Office of the State Entomologist, Three Hundred Dollars ..... $ 300

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STATE LAW LIBRARY

FROM THE GENERAL FUND

For Salaries, Three Thousand Three Hundred Fifteen Dollars	$	3,315
For Binding Books, Fifty Dollars	$	50
For Legislative Reference Bureau, Seventy-five Dollars	$	75
For Capital and Repairs, Fifty Dollars	$	50
For Other Operations, Two Hundred Thirty-one Dollars Fifty Cents	$	231.50

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books as provided in Section 1556, Revised Codes of Montana, 1921.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For Salaries, Three Thousand Two Hundred Forty Dollars	$	3,240
For Capital and Repairs, One Hundred Fifty Dollars	$	150
For Other Operation, Three Hundred Eighty Dollars	$	380

STATE BOARD OF EXAMINERS

FROM THE GENERAL FUND

For Salaries, Six Thousand Five Hundred Forty-six Dollars	$	6,546
For Capital and Other Expenses, One Thousand One Hundred Seventy Dollars	$	1,170

STATE ACCOUNTANT AND BUDGET OFFICE

FROM THE GENERAL FUND

For Salaries, Nine Thousand Seven Hundred Dollars	$	9,700
For Capital and Repairs, One Hundred Fifty Dollars	$	150
For Other Operations, Two Thousand One Hundred Dollars	$	2,100

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STATE ENGINEER

FROM THE GENERAL FUND

For Salaries, Four Thousand One Hundred Seventy Dollars ..... $ 4,170

For Capital and Repairs, One Hundred Dollars..... $ 100

FROM THE CAREY LAND ACT FUND

For Salaries and Expenses, One Thousand Dollars..... $ 1,000

COMMISSIONER OF STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

For Salaries, Seventeen Thousand Seven Hundred Forty Dollars ..... $ 17,740

For Capital, Repairs and Other Operations, Three Thousand Seven Hundred Sixty Dollars ..... $ 3,760

CHIEF FIELD AGENT

For Salaries, Four Thousand Five Hundred Dollars..... $ 4,500

Other Operating Expenses, Two Thousand Dollars..... $ 2,000

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

For Salaries of Administrative Officers and Employees, Sixty-nine Thousand Dollars ..... $ 69,000

For Salaries of Fish Hatchery Employees, Thirty-one Thousand Three Hundred Dollars ..... $ 31,300

For Capital, Repairs and Other Operations, so much thereof as may be necessary wherein the funds are available.

BOARD OF CHARITIES AND REFORM

FROM THE GENERAL FUND

For Salaries and Expenses, Fifty Dollars..... $ 50

BUREAU OF CHILD AND ANIMAL PROTECTION

FROM THE GENERAL FUND

For Salaries, Seven Thousand Seven Hundred Forty-four Dollars ..... $ 7,744

For Capital, Repairs and Other Operations, Two Thousand Six Hundred Thirty-six Dollars..... $ 2,636

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CAPITOL BUILDING

FROM THE GENERAL FUND

For Salaries, Twenty-four Thousand Eight Hundred Ninety Dollars ..... $ 24,890

For Capital and Repairs, Three Thousand One Hundred Fifty Dollars ..... $ 3,150

For Other Operations, Eleven Thousand Eight Hundred Eighty-five Dollars ..... $ 11,885

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For Salary of Custodian, Six Hundred Dollars..... $ 600

BOARD OF ARCHITECTURAL EXAMINERS

FROM THE ARCHITECTURAL BOARD FUND

All fees and earnings to carry out provisions of Chapter 230, Revised Codes of Montana, 1921.

BOARD OF EMBALMERS' EXAMINERS

FROM THE EMBALMERS' LICENSE FUND

All fees and earnings to carry out the provisions of Section 2456, Revised Codes of Montana, 1921.

BOARD OF MEDICAL EXAMINERS

FROM THE MEDICAL BOARD FUND

All fees and earnings as provided in Chapter 223, Revised Codes of Montana, 1921.

BOARD OF CHIROPRACTIC EXAMINERS

FROM THE CHIROPRACTIC EXAMINERS' FUND

All fees and earnings to carry out the provisions of Chapter 225, Revised Codes of Montana, 1921.

BEAUTY CULTURIST

There is hereby appropriated all money in the Beauty Culturist fund for distribution to the Common School fund of the counties to which it pertains.

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VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

For Salaries and Expenses, Three Thousand Five Hundred Dollars ..... $ 3,500

For Gifts and Relief to War Veterans, Three Thousand Five Hundred Dollars ..... $ 3,500

BOARD OF EQUALIZATION

FROM THE GENERAL FUND

For Salaries, Twenty Thousand Four Hundred Ninety Dollars ..... $ 20,490

For Capital and Repairs, Two Hundred Fifty Dollars.... $ 250

For Other Operations, Five Thousand Nine Hundred Eighty-five Dollars ..... $ 5,985

FROM THE HIGHWAY FUND

In connection with the collection of gasoline tax and gasoline drawbacks.

For Salaries, Fifteen Thousand Five Hundred Fifty-five Dollars ..... $ 15,555

For Capital and Repairs, Five Hundred Dollars..... $ 500

For Other Operations, Five Thousand Dollars..... $ 5,000

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY

FROM THE GENERAL FUND

ADMINISTRATION

For Salaries, Six Thousand Eight Hundred Forty Dollars ..... $ 6,840

For Capital and Repairs, One Hundred Dollars..... $ 100

For Other Operations, Four Hundred Eighty Dollars ..... $ 480

DAIRY DIVISION

FROM THE DAIRY DIVISION REVOLVING FUND

For Salaries, Eight Thousand Three Hundred Sixty-three Dollars ..... $ 8,363

For other expenses, so much thereof as may be necessary to pay lawful claims against the Department, wherein the funds are available.

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GRAIN GRADING AND SCALE TESTING DIVISION

FROM THE GRAIN GRADING REVOLVING FUND

For Salaries, Eleven Thousand Three Hundred Fifty Dollars ..... $ 11,350

For other expenses, so much thereof as may be necessary to pay lawful claims against the Department, wherein funds are available.

HORTICULTURAL DIVISION

FROM THE GENERAL FUND

For Salaries of Horticulturist and Secretary, Three Thousand Four Hundred Fifty Dollars..... $ 3,450

For Salaries and Travel Expenses of Inspectors, Two Thousand Dollars ..... $ 2,000

FROM THE HORTICULTURE REVOLVING FUND

For Salaries and Travel Expenses of Inspectors, Seven Thousand Seven Hundred Thirty Dollars..... $ 7,730

For other operating expenses, so much thereof as may be necessary wherein the funds are available.

POULTRY SHOWS

FROM THE GENERAL FUND

For equal allotments to counties holding Poultry Shows, Five Hundred Dollars ..... $ 500

APICULTURE DIVISION

FROM THE APICULTURE REVOLVING FUND

All fees and earnings of the Division are hereby appropriated for the Apiculture Division.

REAL ESTATE DIVISION

FROM THE REAL ESTATE REVOLVING FUND

So much thereof as may be necessary to provide office supplies to be used in connection with this Department and for the payment of travel expense in connection with the laws regulating real estate brokers, provided, however, that the total cost shall not exceed,

Three Hundred Dollars ..... $ 300

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DIVISION OF COMMERCIAL FERTILIZERS

FROM FERTILIZER REVOLVING FUND

All fees and earnings are hereby appropriated in connection with the work of the Commercial Fertilizers.

STATE PURCHASING AGENT

FROM THE GENERAL FUND

For Salaries, Six Thousand Eight Hundred Fifty Dollars ..... $ 6,850

For Capital and Repairs, Seventy-five Dollars..... $ 75

For Other Operations, One Thousand Seventy-five Dollars ..... $ 1,075

FROM THE HIGHWAY FUND

For Salaries and Expenses, Four Thousand Dollars..... $ 4,000

FROM THE UNIVERSITY MILLAGE FUND

For Salaries and Expenses, Four Thousand Dollars..... $ 4,000

ORTHOPEDIC COMMISSION

FROM THE GENERAL FUND

For Operation and Maintenance, Eleven Thousand Dollars ..... $ 11,000

STATE FORESTER

FROM THE GENERAL FUND

ADMINISTRATION

For Salaries, Five Thousand Seven Hundred Twenty Dollars ..... $ 5,720

For Capital and Repairs, One Hundred Fifty Dollars ..... $ 150

For Other Operations, Eight Hundred Fifteen Dollars ..... $ 815

PROTECTION FOR STATE LANDS

For Salaries and Expenses, Twelve Thousand Dollars ..... $ 12,000

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TIMBER SALES

For Salaries and Expenses, Five Thousand Dollars..... $ 5,000

FROM FORESTERS' COOPERATIVE FUND

In addition to the above appropriation there is hereby appropriated all revenue received by the Foresters' Cooperative fund for the use in protection of state lands and brush and slash disposal; provided, however, no administrative salaries shall be increased by reason of the use of this fund.

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE FUND

For Salaries, Eight Thousand Five Hundred Dollars..... $ 8,500

For other expenses, so much thereof as may be necessary to pay all lawful claims of the Motor Vehicle Department.

ATHLETIC COMMISSION

FROM THE ATHLETIC MEMORIAL FUND

So much thereof as may be necessary to pay all lawful claims of the Athletic Commission in carrying out the laws pertaining thereto.

Section 3. Provided further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose. And it is further provided that wherein departments have appropriations from other sources than the general fund, the money from other sources shall be used first, when it is available, before using the appropriation from the general fund.

Section 4. Appropriation contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein said meetings are held outside of the State of Montana.

Section 5. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 17, 1933.

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HOUSE BILL NO. 142

An Act Appropriating Money in Satisfaction and Settlement of the Claim of E. R. Gleed for Injuries Sustained by Him Upon a Highway of This State Near Lima, Montana, and Directing the State Auditor to Draw His Warrant Upon the State Highway Fund Therefor in Settlement of Said Claim Upon Payment of Said Warrant.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of One Thousand Twenty-nine and 55/100 Dollars ($1029.55) or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Highway fund of the State of Montana for the payment of the claim of E. R. Gleed of Lima, Montana, for injuries sustained by him on a public highway of the State of Montana about two and one-half (2½) miles north of Lima, Montana, on October 30, 1931.

Section 2. The State Auditor of the State of Montana is hereby directed to draw his warrant in favor of the said E. R. Gleed in the sum of One Thousand Twenty-nine and 55/100 Dollars ($1029.55) upon the State Highway fund, and upon the acceptance of said warrant and full payment thereof, the claim of said E. R. Gleed against the State of Montana shall be fully and completely satisfied, settled and discharged, provided, however, that before the State Auditor delivers said warrant, the said E. R. Gleed shall execute and deliver to the State of Montana a full and complete release of all claims, present or prospective, against the State of Montana.

Section 3. Appropriation herein above provided for shall be deemed, and held valid notwithstanding the provisions of the Budget Act.

Approved March 7, 1933.

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HOUSE BILL NO. 336

An Act to Appropriate Funds for the Operation and Maintenance of Certain of the State's Institutions for the Period Beginning July 1, 1933, and Ending June 30, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, and from any special funds of the state herein designated for the objects and purposes hereinafter expressed for the fiscal year beginning July 1, 1933, and ending June 30, 1934.

DEAF AND BLIND SCHOOL

FROM THE GENERAL FUND

For Salaries, Sixty-one Thousand One Hundred Thirty Dollars	$ 61,130
For Capital and Repairs, Nine Thousand Dollars	$ 9,000
For Other Operation, Thirty-five Thousand Three Hundred Seventy Dollars	$ 35,370

STATE ORPHANS' HOME

FROM THE GENERAL FUND

For Salaries, Thirty Thousand Eight Hundred Fifty Dollars	$ 30,850
For Capital and Repairs, Three Thousand Seventy Dollars	$ 3,070
For Other Operation, Thirty-one Thousand Two Hundred Ninety Dollars	$ 31,290

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For Salaries, Twenty-six Thousand Dollars	$ 26,000
For Capital and Repairs, Three Thousand Five Hundred Dollars	$ 3,500
For Other Operation, Eleven Thousand One Hundred Fifty Dollars	$ 11,150

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STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

For Salaries, Fifteen Thousand Six Hundred Twelve Dollars ..... $ 15,612

For Capital and Repairs, Six Hundred Twenty-five Dollars ..... $ 625

For Other Operation, Four Thousand Nine Hundred Thirteen Dollars ..... $ 4,913

STATE PRISON

FROM THE GENERAL FUND

For Salaries, Fifty-five Thousand Dollars..... $ 55,000

For Capital and Repairs, Five Thousand Dollars..... $ 5,000

For Other Operation, Seventy-two Thousand Eight Hundred Dollars ..... $ 72,800

LICENSE PLATE FACTORY

FROM THE MOTOR VEHICLE FUND

So much thereof as may be necessary to pay all lawful claims for the operation of the Motor Vehicle License Plate Factory.

STATE GARMENT FACTORY

FROM THE STATE GARMENT FACTORY REVOLVING FUND

So much thereof as may be necessary to pay all lawful claims in the operation of the State Garment Factory.

MONTANA STATE HOSPITAL

FROM THE GENERAL FUND

For Salaries, One Hundred Twenty-eight Thousand Dollars $128,000

For Capital and Repairs, Fifteen Thousand Dollars..... $ 15,000

For Other Operation, One Hundred Eight Thousand Dollars $108,000

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

For Salaries, Forty-eight Thousand Dollars..... $ 48,000

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For Capital and Repairs, Two Thousand Five Hundred Seventy Dollars ..... $ 2,570

All income received by the institution from other sources to be used under the authority of the Board of Examiners for purposes of general operation.

MONTANA STATE SOLDIERS' HOME

FROM THE GENERAL FUND

For Salaries, Twenty-two Thousand Six Hundred Dollars ..... $ 22,600

For Capital and Repairs, Eight Hundred Dollars..... $ 800

For Other Operation, Twelve Thousand Three Hundred Eighty-nine Dollars ..... $ 12,389

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, and from any special funds of the state herein designated for the objects and purposes hereinafter expressed for the fiscal year beginning July 1, 1934, and ending June 30, 1935.

DEAF AND BLIND SCHOOL

FROM THE GENERAL FUND

For Salaries, Sixty-one Thousand One Hundred Thirty Dollars ..... $ 61,130

For Capital and Repairs, Nine Thousand Dollars..... $ 9,000

For Other Operation, Thirty-five Thousand Three Hundred Seventy Dollars ..... $ 35,370

STATE ORPHANS' HOME

FROM THE GENERAL FUND

For Salaries, Thirty Thousand Eight Hundred Fifty Dollars ..... $ 30,850

For Capital and Repairs, Three Thousand Seventy Dollars ..... $ 3,070

For Other Operation, Thirty-one Thousand Two Hundred Ninety Dollars ..... $ 31,290

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STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For Salaries, Twenty-six Thousand Dollars ..... $ 26,000

For Capital and Repairs, Three Thousand Five Hundred Dollars ..... $ 3,500

For Other Operation, Eleven Thousand One Hundred Fifty Dollars ..... $ 11,150

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

For Salaries, Fifteen Thousand Six Hundred Twelve Dollars ..... $ 15,612

For Capital and Repairs, Six Hundred Twenty-five Dollars ..... $ 625

For Other Operation, Four Thousand Nine Hundred Thirteen Dollars ..... $ 4,913

STATE PRISON

FROM THE GENERAL FUND

For Salaries, Fifty-five Thousand Dollars ..... $ 55,000

For Capital and Repairs, Five Thousand Dollars ..... $ 5,000

For Other Operation, Seventy-two Thousand Eight Hundred Dollars ..... $ 72,800

LICENSE PLATE FACTORY

FROM THE MOTOR VEHICLE FUND

So much thereof as may be necessary to pay all lawful claims for the operation of the Motor Vehicle License Plate Factory.

STATE GARMENT FACTORY

FROM THE STATE GARMENT FACTORY REVOLVING FUND

So much thereof as may be necessary to pay all lawful claims in the operation of the State Garment Factory.

MONTANA STATE HOSPITAL

FROM THE GENERAL FUND

For Salaries, One Hundred Twenty-eight Thousand Dollars $128,000

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For Capital and Repairs, Fifteen Thousand Dollars..... $ 15,000

For Other Operation, One Hundred Eight Thousand Dollars $108,000

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

For Salaries, Forty-eight Thousand Dollars..... $ 48,000

For Capital and Repairs, Two Thousand Five Hundred Seventy Dollars ..... $ 2,570

All income received by the institution from other sources to be used under the authority of the Board of Examiners for purposes of general operation.

MONTANA STATE SOLDIERS' HOME

FROM THE GENERAL FUND

For Salaries, Twenty-two Thousand Six Hundred Dollars ..... $ 22,600

For Capital and Repairs, Eight Hundred Dollars..... $ 800

For Other Operation, Twelve Thousand Three Hundred Eighty-nine Dollars ..... $ 12,389

Section 3. The sums appropriated as "Other Operation" in Sections 1 and 2 of this Act are declared to be in addition to all the incomes of said institutions from all permanent funds and endowments and from all land grants and from all fees and earnings of said institutions from whatever source they may be derived; provided that all moneys in said funds are to be expended first before using the appropriation; and it is further provided, the Board of Examiners of the State of Montana is hereby authorized and empowered to transfer amounts or parts of amounts herein appropriated in any one (1) item, except that in no case shall the items herein set aside for salaries be increased in any way to supplement amounts appropriated for other items, in each institution; provided the aggregate amount of the appropriation is neither increased or decreased.

Section 4. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

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Section 5. Appropriations contained herein shall not be used for travel, for conventions, teachers' meetings, association meetings, or gatherings of like character, wherein said meetings are held outside the State of Montana.

Approved March 16, 1933.

HOUSE BILL NO. 337

An Act to Appropriate Money for the Operation and Maintenance, and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions for the Period Beginning July 1, 1933, and Ending June 30, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the state treasury and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1933, and ending June 30, 1934.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For Salaries, Twelve Thousand Five Hundred Dollars	$	12,500
For Capital and Repairs, One Hundred Dollars	$	100
For Requisitions, Six Thousand Dollars	$	6,000
For Other Operation, One Thousand Dollars	$	1,000

GOVERNOR'S MANSION OR HOME

For Operation and Maintenance, Three Thousand Nine Hundred Dollars	$	3,900

ATTORNEY GENERAL

FROM THE GENERAL FUND

For Salaries, Eighteen Thousand Dollars	$	18,000
For Capital and Repairs, Three Hundred Dollars	$	300
For Other Operation, Two Thousand Eight Hundred Dollars	$	2,800

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FARM LOAN DIVISION

For Salaries, Four Thousand Fifty Dollars..... $ 4,050

For Other Operation, Seven Hundred Dollars..... $ 700

FROM LAW ENFORCEMENT FUND

All income necessary to pay the expenses in connection with law enforcement, as provided by law.

SECRETARY OF STATE

FROM THE GENERAL FUND

For Salaries, Thirteen Thousand One Hundred Forty Dollars ..... $ 13,140

For Capital and Repairs, One Hundred Fifty Dollars..... $ 150

For Other Operation, One Thousand One Hundred Dollars ..... $ 1,100

STATE TREASURER

FROM THE GENERAL FUND

For Salaries, Thirteen Thousand Five Hundred Dollars ..... $ 13,500

For Capital and Repairs, Three Hundred Dollars..... $ 300

For Other Operation, One Thousand Nine Hundred Fifty Dollars ..... $ 1,950

STATE AUDITOR

FROM THE GENERAL FUND

AUDITOR'S DIVISION

For Salaries, Nine Thousand Six Hundred Dollars..... $ 9,600

For Capital and Repairs, Six Hundred Dollars..... $ 600

For Other Operation, Two Thousand Five Hundred Dollars ..... $ 2,500

INSURANCE DIVISION

For Salaries, Eight Thousand Two Hundred Fifty Dollars ..... $ 8,250

For Capital and Repairs, Twenty-five Dollars..... $ 25

For Other Operation, Four Thousand Nine Hundred Seventy-five Dollars ..... $ 4,975

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INVESTMENT DIVISION

For Salaries and Expenses, Four Thousand Six Hundred Fifty Dollars ..... $ 4,650

FIRE MARSHAL

FROM THE FIRE MARSHAL FUND

For Salaries, Four Thousand Six Hundred Fifty Dollars ..... $ 4,650

For Other Operation, One Thousand Six Hundred Fifty Dollars ..... $ 1,650

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the Firemen's Disability fund, as provided in Chapter 58, Session Laws of 1927, an appropriation sufficient to meet the requirements as provided by law.

FROM HIGHWAY FUND

For Salaries in the Auditor's Division, Three Thousand One Hundred Twenty Dollars..... $ 3,120

For Supplies and Expenses, Three Thousand Dollars..... $ 3,000

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For Salaries, Ten Thousand Two Hundred Dollars..... $ 10,200

For Capital and Repairs, Two Hundred Seventy Dollars.. $ 270

For Other Operation, Six Thousand Seven Hundred Thirty Dollars ..... $ 6,730

FROM THE TEACHERS' CERTIFICATE FUND

So much thereof as may be necessary to pay all lawful claims to carry out the provisions of Chapter 86 of the Revised Codes of Montana, 1921.

SUPREME COURT

FROM THE GENERAL FUND

For Salaries, Forty-one Thousand Nine Hundred Eighty Dollars ..... $ 41,980

For Capital and Repairs, Two Hundred Fifty Dollars.... $ 250

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For Other Operation, Four Thousand Three Hundred Twenty Dollars ..... $ 4,320

FROM ATTORNEYS' LICENSE FUND

All fees and collections as may be found necessary in carrying out the provisions of Section 8936 to 8974 of the Revised Codes of Montana, 1921.

BOARD OF RAILROAD COMMISSIONERS

FROM THE GENERAL FUND

FOR RAILROAD AND PUBLIC SERVICE COMMISSION

For Salaries, Thirty Thousand Nine Hundred Sixty-seven Dollars ..... $ 30,967

For Capital and Repairs, Two Hundred Fifty Dollars.... $ 250

For Other Operation, Two Thousand Seven Hundred Dollars ..... $ 2,700

For Expenses to Plead Rate Case Before United States Supreme Court, One Thousand Five Hundred Dollars.. $ 1,500

FOR OIL AND GAS DIVISION

For Salaries, Two Thousand Eight Hundred Fifty-six Dollars ..... $ 2,856

For Other Operation, Two Thousand Dollars..... $ 2,000

MOTOR CARRIER DIVISION

FROM THE REVOLVING OR MOTOR CARRIER FUND

For Salaries, Five Thousand Five Hundred Sixty-five Dollars ..... $ 5,565

For Other Operation, Two Thousand Five Hundred Dollars ..... $ 2,500

It is further provided that any additional money remaining in this fund shall be used to pay that portion of operating expenses as set forth under the Railroad and Public Service Commission.

GASOLINE LICENSING DIVISION

For Salaries, Two Thousand Four Hundred Dollars..... $ 2,400

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So much thereof as may be necessary for other expenses, in connection with the work of gasoline inspection, as defined under Chapter 109 of the Session Laws of 1927 and amended under Chapter 192 of the Session Laws of 1931.

SALARIES AND EXPENSES OF DISTRICT JUDGES

FROM THE GENERAL FUND

For Salaries and Expenses of District Judges One Hundred Twenty Thousand Dollars $120,000

SALARIES OF COUNTY ATTORNEYS

FROM THE GENERAL FUND

For Salaries of County Attorneys, Fifty-one Thousand Dollars ..... $ 51,000

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the transportation of prisoners, Nine Thousand Dollars ..... $ 9,000

PUBLIC SCHOOL TEACHERS' RETIREMENT

FROM THE PUBLIC SCHOOL TEACHERS' RETIREMENT FUND

So much thereof as may be necessary to carry out the provisions of Chapter 150, of the Twentieth Legislative Assembly.

Section 2. That the following sums, or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the state treasury and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1934, and ending June 30, 1935.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For Salaries, Twelve Thousand Five Hundred Dollars.... $ 12,500

For Capital and Repairs, One Hundred Dollars..... $ 100

For Requisitions, Six Thousand Dollars ..... $ 6,000

For Other Operation, One Thousand Dollars..... $ 1,000

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GOVERNOR'S MANSION OR HOME

For Operation and Maintenance, Three Thousand Nine Hundred Dollars ..... $ 3,900

ATTORNEY GENERAL

FROM THE GENERAL FUND

For Salaries, Eighteen Thousand Dollars..... $ 18,000

For Capital and Repairs, Three Hundred Dollars..... $ 300

For Other Operation, Two Thousand Eight Hundred Dollars ..... $ 2,800

FARM LOAN DIVISION

For Salaries, Four Thousand Fifty Dollars..... $ 4,050

For Other Operation, Seven Hundred Dollars..... $ 700

FROM LAW ENFORCEMENT FUND

All income necessary to pay the expenses in connection with law enforcement, as provided by law.

SECRETARY OF STATE

FROM THE GENERAL FUND

For Salaries, Thirteen Thousand One Hundred Forty Dollars ..... $ 13,140

For Capital and Repairs, One Hundred Fifty Dollars..... $ 150

For Other Operation, One Thousand One Hundred Dollars ..... $ 1,100

For Election Expenses, Publishing Constitutional Amendments, Initiative and Referendum Measures, Printing and Binding Election Books and Publicity, Eleven Thousand Three Hundred Twenty-five Dollars ..... $ 11,325

STATE TREASURER

FROM THE GENERAL FUND

For Salaries, Thirteen Thousand Five Hundred Dollars.... $ 13,500

For Capital and Repairs, Three Hundred Dollars..... $ 300

For Other Operation, One Thousand Nine Hundred Fifty Dollars ..... $ 1,950

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STATE AUDITOR

FROM THE GENERAL FUND

AUDITOR'S DIVISION

For Salaries, Nine Thousand Six Hundred Dollars..... $ 9,600

For Capital and Repairs, Six Hundred Dollars..... $ 600

For Other Operation, Two Thousand Five Hundred Dollars ..... $ 2,500

INSURANCE DIVISION

For Salaries, Eight Thousand Two Hundred Fifty Dollars ..... $ 8,250

For Capital and Repairs, Twenty-five Dollars..... $ 25

For Other Operation, Four Thousand Nine Hundred Seventy-five Dollars ..... $ 4,975

INVESTMENT DIVISION

For Salaries and Expenses, Four Thousand Six Hundred Fifty Dollars ..... $ 4,650

FIRE MARSHAL

FROM THE FIRE MARSHAL FUND

For Salaries, Four Thousand Six Hundred Fifty Dollars ..... $ 4,650

For Other Operation, One Thousand Six Hundred Fifty Dollars ..... $ 1,650

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the Firemen's Disability fund, as provided in Chapter 58, Session Laws of 1927, an appropriation sufficient to meet the requirements as provided by law.

FROM HIGHWAY FUND

For Salaries in the Auditor's Division, Three Thousand One Hundred Twenty Dollars..... $ 3,120

For Supplies and Expenses, Three Thousand Dollars..... $ 3,000

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For Salaries, Ten Thousand Two Hundred Dollars..... $ 10,200

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For Capital and Repairs, Two Hundred Seventy Dollars.. $ 270

For Other Operation, Six Thousand Seven Hundred Thirty Dollars ..... $ 6,730

FROM THE TEACHERS' CERTIFICATE FUND

So much thereof as may be necessary to pay all lawful claims to carry out the provisions of Chapter 86 of the Revised Codes of Montana, 1921.

SUPREME COURT

FROM THE GENERAL FUND

For Salaries, Forty-one Thousand Nine Hundred Eighty Dollars ..... $ 41,980

For Capital and Repairs, Two Hundred Fifty Dollars..... $ 250

For Other Operation, Four Thousand Three Hundred Twenty Dollars ..... $ 4,320

FROM ATTORNEYS' LICENSE FUND

All fees and collections as may be found necessary in carrying out the provisions of Section 8936 to 8974 of the Revised Codes of Montana, 1921.

BOARD OF RAILROAD COMMISSIONERS

FROM THE GENERAL FUND

FOR RAILROAD AND PUBLIC SERVICE COMMISSION

For Salaries, Thirty Thousand Nine Hundred Sixty-seven Dollars ..... $ 30,967

For Capital and Repairs, Two Hundred Fifty Dollars..... $ 250

For Other Operation, Two Thousand Seven Hundred Dollars ..... $ 2,700

FOR OIL AND GAS DIVISION

For Salaries, Two Thousand Eight Hundred Fifty-six Dollars ..... $ 2,856

For Other Operation, Two Thousand Dollars..... $ 2,000

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MOTOR CARRIER DIVISION

FROM THE REVOLVING OR MOTOR CARRIER FUND

For Salaries, Five Thousand Five Hundred Sixty-five Dollars ..... $ 5,565

For Other Operation, Two Thousand Five Hundred Dollars ..... $ 2,500

It is further provided that any additional money remaining in this fund shall be used to pay that portion of operating expenses as set forth under the Railroad and Public Service Commission.

GASOLINE LICENSING DIVISION

For Salaries, Two Thousand Four Hundred Dollars..... $ 2,400

So much thereof as may be necessary for other expenses, in connection with the work of gasoline inspection, as defined under Chapter 109 of the Session Laws of 1927 and amended under Chapter 192 of the Session Laws of 1931.

SALARIES AND EXPENSES OF DISTRICT JUDGES

FROM THE GENERAL FUND

For Salaries and Expenses of District Judges, One Hundred Twenty Thousand Dollars $120,000

SALARIES OF COUNTY ATTORNEYS

FROM THE GENERAL FUND

For Salaries of County Attorneys, Fifty-one Thousand Dollars ..... $ 51,000

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the transportation of prisoners, Nine Thousand Dollars ..... $ 9,000

PUBLIC SCHOOL TEACHERS' RETIREMENT

FROM THE PUBLIC SCHOOL TEACHERS' RETIREMENT FUND

So much thereof as may be necessary to carry out the provisions of Chapter 150 of the Twentieth Legislative Assembly.

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Section 3. Provided, further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Appropriations herein contained shall not be used for travel for conventions, teachers' meetings, association meetings or gatherings of like character, where said meetings are held outside the State of Montana, save and except that no provision contained in this section shall be construed to prevent the Governor of Montana from personally attending any meetings outside the State of Montana that he shall deem necessary in the interests of the people and Government of the State of Montana.

Section 5. It is further provided that in the appropriations, for the State Treasurer, contained herein, no provision is made for the printing of the State Treasurer's Quarterly Report.

Section 6. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 16, 1933.

HOUSE BILL NO. 338

An Act Appropriating Money for the Payment of Per Diem to the Officers and Attaches of the Twenty-third Legislative Assembly of the State of Montana, and for Incidental Expenses of the Twenty-third Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of per diem to the officers and attaches of the Twenty-third Legislative Assembly of the State of Montana, Twenty Thousand Dollars..... ($20,000)

For the payment of incidental expenses of the Twenty-third Legislative Assembly of the State of Montana, Ten Thousand Dollars ..... ($10,000)

Section 2. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

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Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1933.

HOUSE BILL NO. 341

An Act to Appropriate Money from the General Fund for the Operation and Maintenance of Certain Departments, Boards and Commissions for the Year Ending June 30, 1933, the Appropriations Made by the Twenty-second Legislative Assembly Having Been Found to be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury in the general fund of the State of Montana, not otherwise appropriated, for the objects and purposes expressly enumerated hereinafter, for the period ending June 30, 1933.

GOVERNOR

REQUISITIONS

FROM THE GENERAL FUND

For Requisitions, One Thousand Dollars..... $ 1,000

SECRETARY OF STATE

FROM THE GENERAL FUND

For Other Operating Expenses, One Thousand Five Hundred Fifty Dollars ..... $ 1,550

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For Transportation of Prisoners, One Thousand Two Hundred Dollars ..... $ 1,200

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FIRE INSURANCE

FROM THE GENERAL FUND

For Fire Insurance Premiums on all buildings and contents for the following institutions and departments: State Capitol Group, Deaf and Blind School, Orphans' Home, Industrial School, Vocational School, State Prison, State Hospital, Tuberculosis Sanitarium, Soldiers' Home, Montana State Fair, Six Thousand Eight Hundred Thirty-eight and 95/100 Dollars.....$6,838.95

Section 2. The appropriations enumerated hereinbefore are declared to be made because of the fact that there are insufficient funds available for the operation and maintenance of the specified Departments, Boards and Commissions, to June 30, 1933.

Section 3. The appropriations contained herein shall be held and deemed legal and valid notwithstanding the provisions of the Budget Act.

Section 4. This Act is hereby, deemed and declared an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 7, 1933.

HOUSE BILL NO. 344

An Act Appropriating Money for the Payment of Per Diem to the Officers and Attaches of the Twenty-third Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other.

For the payment of Per Diem to the Officers and Attaches of the Twenty-third Legislative Assembly of the State of Montana, Three Thousand Five Hundred Dollars ..... $ 3,500

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Section 2. Any amount or amounts remaining in any appropriation for the Twenty-third Legislative Assembly may be transferred to supplement the amount or amounts remaining in any other appropriations for the Twenty-third Legislative Assembly; provided, that the aggregate amount of all such appropriations shall be neither increased nor decreased.

Section 3. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1933.

HOUSE BILL NO. 345

An Act to Appropriate Money for the Operation and Maintenance of the Industrial Accident Board for the Period Beginning July 1, 1933, and Ending June 30, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1933, and ending June 30, 1934.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For Salaries, Sixteen Thousand Dollars	$ 16,000
For Capital and Repairs, Six Hundred Dollars	$ 600
For Other Operating Expenses, Eleven Thousand Dollars	$ 11,000

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

All fees and earning accruing to the Industrial Administrative fund, are hereby appropriated, for the payment of all lawful claims against the Department, and all lawful claims shall be paid from this fund when there is sufficient money, before using the apportionment from the general fund.

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Section 2. That the following sums, or so much thereof as shall severally be found necessary, be, and the same are hereby appropriated out of any money in the state treasury not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1934, and ending June 30, 1935.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For Salaries, Sixteen Thousand Dollars..... $ 16,000

For Capital and Repairs, Six Hundred Dollars..... $ 600

For Other Operating Expenses, Eleven Thousand Dollars ..... $ 11,000

FROM THE INDUSTRIAL ADMINISTRATIVE FUND

All fees and earning accruing to the Industrial Administrative fund, are hereby appropriated, for the payment of all lawful claims against the Department, and all lawful claims shall be paid from this fund when there is sufficient money, before using the apportionment from the general fund.

Section 3. Provided, further, that all appropriations contained herein shall be used for the purposes designated and for no other purpose.

Section 4. Provided, that no capital outlay shall be made from any appropriations herein except such items as are specifically enumerated in list approved by the Legislature, which list shall be filed with the State Board of Examiners, as the guide for capital expenditures for the several departments, boards and institutions, to be paid from the appropriations listed herein as "Capital and Repairs."

Section 5. Appropriations contained herein shall not be used for travel for conventions, teachers' meetings, association meetings, or gatherings of like character, wherein said meetings are held outside the State of Montana.

Section 6. Appropriations herein above provided for shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Approved March 14, 1933.

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HOUSE JOINT MEMORIAL NO. 1

A Memorial to the Congress of the United States of America, Requesting the Enactment of Adequate Legislation Which Will Reimburse the Blackfeet Indians for the Loss of Lands Known as the Ceded Strip in Northwestern Montana, Certain Rights to Said Lands Having Been Wrongfully Taken from Them Without Just Compensation.

To the Honorable Senate and House of Representatives of the United States of America:

Your Memorialists, the Members of the Twenty-third Legislative Assembly of the State of Montana, the House and Senate concurring, respectfully represent:

WHEREAS, a treaty having been made between the United States Government and the Blackfeet Tribe of Indians in the year 1896, in which treaty the Indians ceded for mineral purposes only a strip of land extending from the Canadian boundary southward to the stream known as Birch Creek and from the present western boundary of the Blackfeet Indian Reservation westward to the summit of the Rocky Mountains; and,

WHEREAS, the Indians specifically reserved in said treaty the right to hunt, fish and cut timber on these lands since known as the ceded strip; and,

WHEREAS, the United States Government beginning in the year 1910 proceeded to violate said treaty by denying the Indians the rights specifically reserved and herein described by the absolute denial of these privileges without any compensation; now, therefore,

BE IT RESOLVED, that it is the prayer of your Memorialists, the Twenty-third Legislative Assembly of the State of Montana, that the Congress of the United States should by proper legislation right the wrong suffered by the Indians by reason of the violation by the United States Government of this treaty.

BE IT FURTHER RESOLVED, that a copy of this Memorial, duly authenticated, be sent by the Secretary of State to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress.

Approved January 31, 1933.

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HOUSE JOINT MEMORIAL NO. 5

Memorial to the Congress of the United States Opposing Repeal of Provisions for Care of Disabled Veterans of the World War.

To the Honorable Senate and House of Representatives of the United States:

The Members of the Twenty-third Legislative Assembly of the State of Montana, both Houses thereof concurring, respectfully represent:

For more than fifty (50) years the sentiment of the American people, as expressed in legislation and practice, has required the decent and honorable care of disabled men who have served in the armed forces of this country in times of war, instead of sending these men to poor farms. In giving effect to this sentiment National and State Soldiers' Homes have been erected and maintained. This method of treatment of the veterans of its wars has become a fixed policy of this nation and of the states.

The establishment of State Soldiers' Homes was the result of the effort of the states to correct a situation which had grown up as the result of neglect of the veterans of the Civil War and was the result of a spontaneous effort of the people of the various states to make up previous shortcomings, due to the lack of a full understanding of the problem and of a full appreciation of the fact that the primary obligation to give proper care to these men rests upon the Federal Government which represented all of the states in calling these men into the service.

Immediately after the World War, through pressure of public opinion, the activity of welfare organizations, and of individuals, and the study of the situation by Congress, an elaborate and effective system of handling the post war work of adequately caring for disabled ex-service men was provided for by the establishment of what is now known as the "Veterans Administration."

In 1924 Congress adopted a provision for the hospitalization by the Veterans' Bureau of all ex-service men requiring hospitalization, regardless of the origin of their disability. During the last eight (8) years this service has taken a very heavy load from the states and placed it with agencies of the Federal Government, which owes the primary duty, and which, through the organization of the Veterans Administration, is equipped to handle the work more efficiently and less expensively than can be done by the states.

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A further provision was made by Congress whereby a moderate allowance was made to men suffering from disability not due to service. In this respect, again, a load was taken from the states and their various communities.

There is now a strong movement in and out of Congress to do away with these two provisions of the Laws of Congress.

The repeal of Section 202-10 of the World War Veterans' Act of 1924, which provides for such hospitalization, and the repeal of the provision for disability allowance, will set the entire question at large, leaving it to be answered by the various states and their communities in the best way possible.

This will undoubtedly result in the establishment of State Soldiers' Homes maintained by the several states. In our state this would involve a heavy primary outlay and a mounting annual cost running into hundreds of thousands of dollars.

The Federal Government has already taken and absorbed this load and thereby inequalities in the number of men furnished by the various states to the armed forces of the United States during the late World War are adjusted and the load falls more evenly and less directly upon the entire country on whose behalf these forces were called into action.

The question is now at direct issue as to whether the Federal Government will continue to carry this load, which is primarily its own, or whether it will repudiate it and require the states to handle the portion of the problem which lies within their respective borders. This, again, will involve the question of the establishment and maintenance of Soldiers' Homes and the burden of thus caring for these men at a cost much in excess of that with which the same work can be done by the Federal Government through its established agency, the Veterans' Administration.

THEREFORE, BE IT RESOLVED that the Twenty-third Legislative Assembly of the State of Montana, through this Memorial respectfully urges that the Congress of the United States refrain from the repeal of Section 202-10 of the World War Veterans' Act of 1924 and that it continue reasonable provisions in the way of disability allowances for men disabled through non-service causes; to the end that the burden may rest upon the people as a whole and be handled as one rather than as forty-eight (48) separate problems to be dealt with separately by the various states.

BE IT FURTHER RESOLVED that copies of this Memorial be forwarded to the Senators and Representatives from the State of

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Montana in the Congress of the United States, to the President of the United States and to the Governors of the other states of the Union with the request that the same be presented to the Legislative Assemblies of such states as they are in session.

Approved March 6, 1933.

HOUSE JOINT MEMORIAL NO. 6

A Memorial to the Congress of the United States of America Requesting Enactment of United States Senate Bills Nos. 5417 and 5471 Relating to Suspension of Payments and Loans to the Reclamation Funds of Irrigation Projects.

To the Honorable Senate and House of Representatives of the United States of America:

Your Memorialists, the Members of the Twenty-third Legislative Assembly of the State of Montana, respectfully represent that:

WHEREAS, there have been introduced into the United States Senate for passage, Senate Bills Nos. 5417 and 5471, which are complementary one to the other, the first providing for a suspension in payment of charges due from the Federal Reclamation Project Settlers to the United States which will in like amount decrease the income of the Reclamation fund for the period of the suspension; and the second providing for a loan to the Reclamation fund to replace the income thereto thus suspended; and

Such suspension of construction charges has become necessary on account of the extreme low prices affecting all agricultural communities; and

There has already been authorized by the Congress of the United States the construction of irrigation projects under the provisions of the Reclamation Act; and

Said Federal projects are now only partially completed and incapable of substantial self-liquidation of their present costs until the same are completed; and

The settlers upon numerous privately projected irrigation districts of the state are on the verge of being forced out of their homes because of an inadequate water supply due to lack of storage, and depreciation of distribution facilities, and a supplemental water supply can be made most readily available by the Federal Reclamation Bureau; and

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Delays in completion of projects already begun and the commencement of those projects contemplated to rehabilitate worthy enterprises will result in serious loss to the United States and to the State of Montana in

(a) direct increase in unemployment to the extent of several thousand men, with incidental increase in unemployment in those industries which supply such projects, incalculable;

(b) depreciation of works already constructed in such incomplete projects, and of idle money therein invested; and

(c) the crushing blow to those under said projects having inadequate water supply and having staked all in faith upon the Federal Government's completing that which it has undertaken.

Failure to enact said bills, or similar legislation, will result in the discharge of thousands of men now employed and the consequent loss in purchasing power for consumption of both farm and industrial products and add to the depression prevailing in all markets; and for

Effective relief to the State of Montana and its citizens; the timely completion of said projects; and the enactment of the bills, herein designated, into laws, are propositions of inseparable relation.

THEREFORE, BE IT RESOLVED, by the joint action of the Legislative Assembly of the State of Montana,

That the Congress of the United States in furtherance of subsisting national policies of reconstruction and reclamation, make early enactment of United States Senate Bills Nos. 5417 and 5471 into laws; and

BE IT FURTHER RESOLVED, that the Secretary of the State of Montana be, and he is hereby directed forthwith to transmit a copy of this Memorial to each, the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to the Montana Delegation in Congress, with a request that they expeditiously promote the enactment into law of United States Senate Bills Nos. 5417 and 5471.

Approved March 6, 1933.

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HOUSE JOINT MEMORIAL NO. 7

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled:

We, your Memorialists, the Legislative Assembly of the State of Montana, respectfully represent that:

WHEREAS, the Congress of the United States of America has imposed a tax upon all sales of gasoline; and

WHEREAS, the Federal Government has at its discretion many and numerous means of raising revenue; and

WHEREAS, the taxation for revenue of gasoline sales has heretofore been allowed to the exclusive use of the several states; and

WHEREAS, this said gasoline tax is practically the only method given to the majority of the states to provide funds for the construction and maintenance of public roads and highways and to provide interest and principal payments on highway bond issues; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA,

The Senate jointly concurring therein:

That this Legislative Assembly petition and memorialize the Congress of the United States of America, now in session at Washington, D. C., that the Congress take proper action to remove the Federal gasoline tax, leaving the taxation of gasoline sales as exclusively a state function.

Approved March 6, 1933.

HOUSE JOINT RESOLUTION NO. 5

WHEREAS, in our anxiety to accomplish for our material benefit we often overlook recording in the pages of history events that should be chronicled for our posterity, and,

WHEREAS, the Great State of Montana on the 8th day of November, 1889, was duly admitted to the Union of the United States of America, and,

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WHEREAS, J. W. Skinner, State Commander of the Veterans of Foreign Wars of the State of Montana, and Colonel Harry O. Willard, U. S. A. retired, Past Vice-Commander, both being not only Veterans of Foreign Wars, but also pioneers living and residing in the State of Montana at the time of its admission to the Union, has caused the different Posts throughout the State of Montana, of the Veterans of Foreign Wars, to adopt a resolution as an expression of our love and reverence for the Great State of Montana and for the Great, Sturdy and Resolute Pioneers of the State of Montana, who made it possible for the state to become a part of the Union, to urge that the House of Representatives of the Twenty-third Legislative Assembly of the State of Montana, the Senate concurring, declare that the eighth day of November of each year shall be a legal holiday within the State of Montana, known and designated as Admission Day.

WHEREAS, said organization of Veterans of Foreign Wars and the laudable purposes for which it stands has now and always will occupy a tender place in the hearts of all our citizens, as a patriotic and worthy organization.

THEREFORE, BE IT RESOLVED, that we, the Members of the Twenty-third Legislative Assembly, join with the Veterans of Foreign Wars in their resolution, paying our respects to the pioneers of the State of Montana,

BE IT FURTHER RESOLVED, that the eighth day of November of each year is hereby designated as Admission Day, and that the same be observed in a fitting manner by the people of our state in appreciation of the regard and esteem we hold for the State of Montana and the Great Pioneers who made it possible for Montana to be admitted to the Union on November the eighth, 1889.

Approved March 6, 1933.

SENATE JOINT MEMORIAL NO. 1

A Memorial to the Interstate Commerce Commission of the United States, Advocating a Reduction of Freight Rates on Gasoline from Mid-Continent Points to Montana Points.

To the Honorable Interstate Commerce Commission of the United States:

WHEREAS, the price of gasoline in tank car lots at railroad points in the State of Montana, with Montana license tax unpaid,

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appears to be based upon the refinery price of gasoline at Tulsa, Oklahoma, plus the freight rate from Tulsa, Oklahoma to such Montana points; and

WHEREAS, the freight rate on gasoline from Tulsa, Oklahoma to practically all Montana points is $1.24 per hundred weight, as compared with a freight rate of $ .62 per hundred weight on gasoline from Tulsa, Oklahoma to Eastern North Dakota points; and

WHEREAS, the Legislative Assembly of the State of Montana believes such difference in freight rates is grossly discriminatory against the people of the State of Montana and by reason thereof the cost of gasoline in the State of Montana is substantially $ .04 per gallon higher than it would be if the freight rate from mid-continent points to Montana points was the same as the freight rate from mid-continent points to Eastern North Dakota and the gasoline consumers in Montana are compelled to pay substantially Three Million Dollars ($3,000,000) per year for gasoline consumed in Montana in excess of what they reasonably ought to be compelled to pay; and

WHEREAS, the people of the State of Montana would be greatly benefited by a reasonable downward revision of the freight rates from Tulsa, Oklahoma to Montana points;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA, THE HOUSE OF REPRESENTATIVES concurring, that we do most earnestly urge upon the Interstate Commerce Commission the imperative need of a downward revision of the freight rates on gasoline shipped from the mid-continent fields to points within the State of Montana; and

BE IT FURTHER RESOLVED that the Secretary of State transmit this Memorial to the Interstate Commerce Commission at Washington, D. C. and to the Representatives and Senators in Congress from the State of Montana and also to the members of Congress-Elect from the State of Montana and that the members of Congress from the State of Montana are requested to present this Memorial to the Interstate Commerce Commission and if relief is not obtainable from the Interstate Commerce Commission, to seek relief by appropriate Congressional action.

Approved January 28, 1933.

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SENATE JOINT MEMORIAL NO. 2

A Memorial to the Congress of the United States Urging the Prompt Enactment of Legislation for the Rehabilitation of the Farm Industry Through the Adoption of Some Form of the Domestic Allotment Plan, the Refinancing of Farm Mortgages, and Such Other Measures as May be Found Necessary to Place the Farm Industry Upon Approximately the Same Footing as Other Great Industries of the United States.

To the Congress of the United States:

WE, the Legislative Assembly of the State of Montana, both Senate and House, do hereby join in the nationwide demand that something constructive and substantial be done by the Congress of the United States for the rehabilitation of agriculture, the basic industry of the nation. More than thirty and one-half million men, women and children live and labor upon farms throughout this country—approximately one-fourth of the entire population. According to the reports of the Department of Agriculture of the United States the income per farm available for "labor and management" during the prosperous years of 1919 to 1928 averaged only Five Hundred Eighty-four and 90/100 Dollars, or about One and 60/100 Dollars per family per day, or a shade less than forty cents per person per day. This is far less than the average cost of supporting inmates of charitable and penal institutions throughout the United States. It should be understood that these meager returns to the tillers of the soil were the returns in the days of prosperity. We shall not attempt to discover what they are during these years of depression; we know that they are less than pauper allowances. At this time wheat is quoted at less than twenty-five cents per bushel throughout the State of Montana, far below the bare cost of production, and the price on other farm products is in proportion.

These ruinous prices have destroyed the purchasing power of the thirty and one-half million people living on farms in the United States; they are no longer able to purchase implements, building materials and the numerous other products of mill and factory. As a result the wheels of our mills do not turn; the machinery of our factories does not operate; millions upon millions of unemployed languish in idleness; and their children cry for bread.

Raise the price on the products of the soil so that the tiller may receive a living wage; the millions on the farms will then be able to purchase the goods from mill and factory; idle millions will be placed at work; and their children will be fed.

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The economic conditions now prevailing throughout the Republic are dark and distressing; but we should be cowards unworthy of American citizenship if we surrendered to the drift of circumstances and the spirit of hopelessness and despair. Let intelligence rule the Republic, and final disaster shall be averted and economic well-being shall return in a fuller measure. One-half of the great economic problem of the United States has been triumphantly solved: We are capable of producing such an abundance of all material things that every man, woman and child in the United States may live in comfort and to some extent even in luxury. The remaining one-half of the problem is to bring about a somewhat equitable distribution of this abundant production. It should be possible to approach nearer to a solution of this problem than we are today.

In this age of specialization of production, each man produces, practically speaking, only one class of goods or renders only one kind of service. This one class of goods or service must be exchanged for the numerous kinds of goods and services required in the every day life of today. The problem of exchange and distribution is therefore fundamental in our economic life. If each man receives an equitable price for his labor or his goods, this system of exchange will function freely; but if the price on one class of goods or one kind of service is entirely out of proportion to the price on other kinds of goods or services the system will break down to that extent. Equitable exchange relations constitute the basis of prosperity.

With regard to agricultural products this equitable exchange relation does not exist; and as far as wheat is concerned it will not restore itself for decades to come; we are likely to continue to have an exportable surplus of wheat and other farm products for a long time. The production of wheat in many foreign countries, particularly Asiatic Russia, is likely to increase. Foreign countries continue to erect tariff walls against the importation of American wheat. These circumstances conspire to keep down the export price on American wheat; and this ruinous export price will drag down the price on that part of the wheat consumed in this country—it tends to fix the domestic price. It is absolutely intolerable, unbearable and ruinous to American agriculture to have the domestic price on its product fixed and determined by foreign tariff walls, pauper wages and revolutionary experiments in foreign countries. In order to survive and prosper we must regulate our own domestic affairs.

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We therefore ask that the Congress of the United States protect the great domestic market for our farm products so that the farmer may receive a reasonable price on the home consumption. We believe that this can be accomplished through the application of some form of the Domestic Allotment Plan—a plan under which the price on the home consumption will be approximately on par with the prices on the goods that the farmer has to purchase. This would tend to place agriculture on the same footing as other great industries of the United States. Under this plan the Government of the United States would obtain control over the areas to be utilized for the various farm crops and thereby adjust production to demand. We realize that the growth and development of a country and the well-being of its people depend very largely upon an abundant food supply. The reduction in acreage should therefore proceed with caution; but we also realize that it is impossible to maintain reasonable prices with an increasing surplus.

We urge that in the carrying out of the Domestic Allotment Plan the details of administration be entrusted as far as possible to the governments of the various states and counties so that the plan may not result in the development of added administrative machinery on the part of the United States and increased expenses to its treasury. We ask that the Domestic Allotment Plan be made effective not only with regard to wheat but also other farm products where it may be found applicable.

On account of the ruinously low prices on farm products, our farmers are finding it impossible to pay interest and principal on the billions of farm mortgages incurred in good faith in better years, and farmers throughout the country are losing their homes by the thousands through mortgage foreclosures. We therefore ask that the Government of the United States lend its credit toward the refinancing of farm mortgages at the lowest rate of interest which the United States can obtain.

The deplorable conditions now prevailing will justify Congress in applying far more drastic remedies than in ordinary times.

We ask for the application of the Domestic Allotment Plan, for the refinancing of farm mortgages and for the enactment of such other measures as may be found necessary to place the farm industry upon approximately the same footing as other great industries of the United States, honestly believing that this is absolutely necessary for the reestablishment of ordinary, prosperous conditions in the economic life of the nation. It will not help the

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farmer alone, but will aid in rehabilitating the business of the merchant, the banker, the investor, the manufacturer, the railroads —and above all it will help to provide work for the millions of unemployed.

We hereby direct the Secretary of State of the State of Montana to forward copies of this Memorial to the President of the Senate of the United States, to the Speaker of the House, and to our Senators and Representatives in Congress.

Approved February 14, 1933.

SENATE JOINT MEMORIAL NO. 4

A Memorial Memorializing the Congress of the United States for a More Lenient Settlement of the 1932 Federal Seed Loans.

To: The Honorable Senate and House of Representatives of the United States in Congress Assembled:

We, the Members of the Twenty-third Legislative Assembly of the State of Montana, do hereby respectfully represent that:

WHEREAS, we are aware that the prevailing difficulties in many parts of Montana are partly due to the drought conditions existing during the years 1929, 1930, and 1931, when our farmers realized practically nothing from their crops, and

WHEREAS, living conditions in many of our farming communities during these years were such as to make it necessary for the Red Cross to render aid to hundreds of our people; and

WHEREAS, due to the deflated prices of wheat the past year many of our best citizens in the farming districts of our state have been unable to pay their taxes, thereby endangering our public schools and local governments and causing the loss of many homes through tax sales, and

WHEREAS, many of our farm owners have hardly enough wheat on hand to finance another crop, and to require them to pay 25% of their seed loans would cause such a hardship as to result, in many instances, in want and suffering, and add to the general break-down of the agricultural situation.

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the State of Montana and by the House of Representatives concurring,

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that the Congress be memorialized to grant an extension of one year on the payments of the 1932 seed, feed and fuel loans in all cases where the producers are compelled to sell their grain below the cost of production.

BE IT FURTHER RESOLVED, that copies of this Memorial be forwarded to each of the Members of the Senate and of the House of Representatives of Montana in Congress, and to the Federal Seed Loan Department at Minneapolis, Minnesota.

Approved February 15, 1933.

SENATE JOINT MEMORIAL NO. 7

A Memorial Memorializing the Congress of the United States for a Grant of Land for the Use and Benefit of the Northern Montana Agricultural and Manual Training School.

To the Honorable Senate and House of Representatives in the Congress of the United States:

WHEREAS, The Northern Montana Agricultural and Manual Training School was established by the Legislature of Montana in 1913, and for the past four years, said college has been in active operation and now has an enrollment of three hundred sixty-six students; and

WHEREAS, it is the only unit of the Greater University of Montana which does not have the benefit of an income from land grants; and

WHEREAS, the large majority of students attending said institution are residents of northern and eastern Montana, which is devoted almost exclusively to stock raising and agriculture; and

WHEREAS, there is remaining in the State of Montana approximately seven million acres of vacant, unappropriated, unreserved public land;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Montana, and the House of Representatives concurring, that the Congress of the United States be memorialized to grant to the Northern Montana Agricultural and Manual Training School Five Hundred Thousand Acres of vacant, unappropriated, unreserved public lands within the State of Montana, for the use and benefit of said school.

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BE IT FURTHER RESOLVED, that copies of this Memorial be forwarded to the President of the Senate and Speaker of the House of Representatives, and each of the Senators and members of the House of Representatives from Montana in Congress, and to the Secretary of the Interior.

Approved February 15, 1933.

SENATE JOINT MEMORIAL NO. 10

A Memorial to the Congress of the United States, Urging Continuance of Established Highway Federal Aid and Action Upon Pending Highway Authorizations.

To the Honorable Congress of the United States:

WHEREAS, the long established and uninterrupted plan of Federal Aid for the construction of highways has developed a great national policy, has led to the creation of competent highway departments, operating with trained engineers, and has enabled a superior supervision that would not have been developed in any other way; and

WHEREAS, the co-operative investment of Federal and state revenue is producing a system of highways that are worth more to the people than the cost, a most important and well planned work that is only partly done, and one that contributes more effectively to the relief of unemployment than any other contemplated public enterprise; and

WHEREAS, the Government authorizations for the fiscal years of 1934 and 1935 have not yet been acted upon by the Congress, although assurances, we believe, were given that such action would be considered early in the present short session; and

WHEREAS, it is entirely confusing if the states cannot know at this time what the Government can and will do, and since it is no more difficult for the Government to plan at this time than it is for the states to arrange co-operative effort; and

WHEREAS, the so-called public land states are denied sovereignty over a great portion of their domain and are thus deprived of the income and revenues which would otherwise be derived from taxation of such areas, by reason whereof the Federal Government to a very great extent owes to such states the duty of building highways across such non-productive areas;

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NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Montana, the House of Representatives concurring, that we most earnestly urge upon the Congress immediate action, so that the states may at least know what the Government will do, and so that there may not be abandonment in reasonably carrying on toward a completion of a national system of roads; and

BE IT FURTHER RESOLVED that the authorizations for Federal Aid, now before the Congress, be acted upon at the earliest possible date. It is only fair that the states may know what we can do in this important national effort for the construction periods of 1933 and 1934.

Approved February 25, 1933.

SENATE JOINT MEMORIAL NO. 13

A Memorial Memorializing the Congress of the United States Urging Immediate Action Toward Curbing Importation of Foreign Goods, at the Expense of Closing of Our Mines, Mills, and Factories, and the Unemployment of Our People.

To the Honorable Senate and House of Representatives in the Congress of the United States:

WE, your Memorialists, the Legislative Assembly of the State of Montana, respectfully represent that:

WHEREAS, thousands of our citizens are unable to secure employment and the distress of our people is such that temporary relief is not sufficient; and

WHEREAS, many of our mines, mills, and factories, and other producing agencies are closed, or operating on part time only, adding thousands more to the list of those in distress; and

WHEREAS, in our opinion, one of the chief causes of the inability of our citizens to secure employment, and for our mines, mills, and factories being closed, is the fact that the products of foreign countries, produced by cheap labor, and under different living conditions than the standard of our country, are being delivered into this country at prices far below what they can be produced for under our higher standards of wages and living; and

WHEREAS, the United States of America are on the gold standard while most of the other countries of the world have found it

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necessary, or to their temporary advantage, to act otherwise; and

WHEREAS, it is the opinion of the Legislators of the State of Montana and the citizens thereof, that this condition of depreciated currencies of other countries has largely caused the distress of our people as herein above referred to; and

WHEREAS, this entire matter can readily be solved and corrected by the Congress of the United States of America, now in session;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Montana, the House of Representatives jointly concurring therein, that this Legislative Assembly petition and memorialize the Congress of the United States of America, now in session at Washington, D. C., that immediate action be taken to correct the conditions as outlined herein to the end that foreign goods stop coming into this country at the expense of the closing of our mines, mills, and factories, and the unemployment of our people, that the distress of our citizens may be not only temporarily relieved but permanently so by returning them to work at rates of pay and under working hours which will help bring about prosperity in our land.

BE IT FURTHER RESOLVED that copies of this Memorial be forwarded to the President of the Senate and Speaker of the House of Representatives, and each of the Senators and Members of the House of Representatives from Montana in Congress.

Approved March 6, 1933.

SENATE JOINT MEMORIAL NO. 14

A Memorial to the Congress of the United States, Requesting the Enactment of Legislation Reducing the Rate of Interest Required to be Paid on Loans Made by the Reconstruction Finance Corporation in Aid of Industries.

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

Your Memorialists, the Members of the Twenty-third Legislative Assembly of the State of Montana, the House and Senate concurring, respectfully represent:

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WHEREAS, for the purpose of aiding and assisting those engaged in various industries, Congress has created the Reconstruction Finance Corporation, and has authorized, empowered and directed such corporation to make loans to those engaged in various industries and pursuits; and,

WHEREAS, the funds being used by such Reconstruction Finance Corporation are being borrowed by the United States Government at low rates of interest; and,

WHEREAS, in making loans to those engaged in many industries and pursuits, the Reconstruction Finance Corporation is charging and requiring to be paid on such loans interest as high as six and a half per cent per annum, which rates of interest are as high, and in many instances higher than those engaged in such industries and pursuits have heretofore been compelled to pay when borrowing from banks and private investors engaged in the business of making similar loans; and,

WHEREAS, the sole purpose of the making of such loans by the Reconstruction Finance Corporation is to aid and assist those engaged in such industries and pursuits, and without any intention of making any profit thereon for the United States Government;

NOW, THEREFORE, BE IT RESOLVED that it is the prayer of your Memorialists, the Twenty-third Legislative Assembly of the State of Montana, that the Congress of the United States should enact such legislation, or take such action, as may be necessary to reduce the rate of interest required to be paid on loans made by the Reconstruction Finance Corporation to those engaged in industries and pursuits, to such a rate as will be sufficient to pay the interest which the United States Government is required to pay on the funds borrowed by it for the purpose of making such loans and the bare cost of making and handling such loans, the rate of interest, in any event, not to exceed four per cent per annum.

BE IT FURTHER RESOLVED, That a copy of the Memorial, duly authenticated, be sent by the Secretary of State, to the Senate and House of Representatives of the United States, and to each of the Senators and Representatives in Congress from the State of Montana.

Approved March 6, 1933.

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SENATE JOINT RESOLUTION NO. 1

A Joint Resolution Ratifying an Amendment to the Constitution of the United States Fixing the Commencement of the Terms of President, Vice-President and Members of Congress and Fixing the Time of the Assembling of Congress.

WHEREAS, at the first session of the Seventy-second Congress of the United States of America it was resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurred therein) that the following article be proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several states, shall be valid to all intents and purposes as part of the Constitution.

Article.....

Section 1. The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators, and Representatives at noon on the 3rd day of January of the years in which such terms would have ended if this article had not been ratified, and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different way.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President, shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have qualified, declaring who shall then act as President or the manner in which one who is to act shall be selected, and such person shall act accordingly until President or Vice-President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice may have devolved upon them.

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Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several states within seven years from the date of its submission.

THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA, concurring, that the said proposed amendment to the Constitution of the United States of America, be, and the same is, hereby ratified by the Legislative Assembly of the State of Montana, and,

Further, be it resolved that certified copies of this joint resolution be forwarded by the Governor of the State of Montana to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

Approved January 17, 1933.

SENATE JOINT RESOLUTION NO. 3

A Resolution Memorializing Congress of the United States to Enact House Joint Resolution 191, Commemorating the One Hundred and Fiftieth Anniversary of the Naturalization as an American Citizen in 1783 of Brigadier General Thaddeus Kosciuszko, a Hero of the Revolutionary War by Issuing Special Series of Postage Stamps in Honor of Brigadier General Thaddeus Kosciuszko.

WHEREAS, On October 13th, 1933, will occur the one hundred and fiftieth anniversary of the naturalization as an American citizen of Brigadier General Thaddeus Kosciuszko, a hero of the Revolutionary War;

WHEREAS, The service rendered by him was of great value and assistance to the cause of American Independence and of such high importance that on October 13th, 1783, he was appointed Brevet Brigadier General of the Continental Army, and was granted him naturalization as an American citizen;

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WHEREAS, It is but fitting that proper recognition should be given to the memory of Brigadier General Thaddeus Kosciuszko whose illustrious service in the war for American Independence is well known to all who are familiar with our history; therefore,

Section 1. BE IT RESOLVED, by the Senate of Montana, the House of Representatives concurring, that the Legislative Assembly of the State of Montana hereby respectfully requests and urges his Excellency, Honorable Herbert Hoover, President of the United States, Members of the House of Representatives and Senators of the Senate from the State of Montana, to respectfully memorialize the United States Congress to enact, and cause to be enacted, legislation which will provide for the effective carrying out of the provisions of House Joint Resolution 191, now pending in Congress, whereby the Postmaster General would be authorized and directed to issue a special series of postage stamps of the denomination of three cents, of such design and for such period as he may determine, commemorative of the one hundred and fiftieth anniversary of the naturalization as an American citizen and appointment of Thaddeus Kosciuszko as Brevet Brigadier General of the Continental Army, on October 13th, 1783.

Section 2. That a copy of this Resolution be sent to the President of the United States, Vice-President of the United States, Speaker of the House of Representatives and to each United States Senator and Representative in Congress from Montana.

Approved March 16, 1933.

SENATE JOINT RESOLUTION NO. 5

A Resolution Requesting the Enactment by Congress of Legislation Necessary to Bring About the Completion of a Through Seaway via the St. Lawrence River, and Requesting the President of the United States to Proceed to a Treaty with Canada Relative Thereto.

To the Honorable Senate and the House of Representatives of the United States of America, and the Honorable President of the United States of America:

WHEREAS, economic authorities in the United States and Canada, acting officially both as Joint Commissions and severally, have repeatedly and unanimously declared that enlarging the connecting channels of the Great Lakes and the St. Lawrence River to

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admit uninterrupted movement of ocean born commerce from and into the Great Lakes, is economically sound and necessary to raise the competitive position, establish economic equality, permit future development and effect the return of prosperity to the vast continental areas of both countries, and

WHEREAS, over the past five years diplomatic correspondence has brought the two nations into agreement on the assignment of tasks and division of costs, said correspondence having allocated to the United States the construction and cost of all improvements in international waters, which includes the deepening to twenty-seven feet of the connecting channels of the upper Great Lakes, a new lock at the Soo corresponding in dimensions to the locks in the New Welland Ship Canal and the improvement of the international stretch of the St. Lawrence River from Lake Ontario to the forty-fifth parallel (opposite Cornwall), where the river ceases to form the boundary line between the two countries, and allocating to Canada the completion of the New Welland Ship Canal and the improvement of the river from the forty-fifth parallel aforesaid to the sea, and

WHEREAS, approximately one-half of the tasks assigned to each Government has either been completed, is in process of completion or already authorized by one or other of the two Governments, and approximately one-half of the total cost of the through seaway has either been expended, in process of being expended or involved in authorizations already made, all of which have been carried out and are capable of being completed without any treaty, and

WHEREAS, engineering authorities in Canada and the United States, acting officially both as Joint Boards and severally, have agreed upon engineering plans and costs and unanimously declared that the International Rapids Section (forty-eight miles) of the St. Lawrence River, extending from Ogdensburg to the International Boundary must, for economic reasons, be developed for navigation and power jointly, and

WHEREAS, the State of New York, with the clear intent of delaying or obviating the completion of a through seaway, via the St. Lawrence, and advancing a deep water route across the State of New York, has caused to be prepared engineering plans, which if permitted to be carried out, will, under the most favorable conditions postpone through navigation seventeen years, but predictably a generation, and in the meantime afford New York opportunity to transfer its barge canals to the Federal Government and,

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under the pseudonym "all-American", embark the Government upon the staggering and almost useless expense of deepening or widening them for the passage of Lake ships down to the port of New York for transfer to the ocean carrier, but not admitting the ocean ship to the Great Lakes, thus denying to mid-continental areas direct access to the sea, and

WHEREAS, no development of this International Rapids Section of the river can be undertaken by either country or any agency in either country without an agreement or treaty appropriate thereto, having first been entered into between Canada and the United States, and

WHEREAS, the landlocked interior of the United States is deeply concerned and in emergent need of the relief which would accrue to that area by the opening of such seaway and the citizens of New York State also are directly interested in the improvement and early utilization of the large reservoir of cheap power which would be made available by such joint development, and

WHEREAS, the need exists for a formula or plan that will effect the development of this section of the river for navigation and power at the earliest possible date, by employing the most practical, the most expeditious and best agency or agencies for that purpose.

THEREFORE BE IT RESOLVED, by the Legislative Assembly of the State of Montana, that the President of the United States be and is hereby requested to proceed to a treaty with Canada for the development of the aforesaid International Rapids Section of the St. Lawrence River at the earliest possible date and in accordance with the plans agreed upon by the Joint Board of Engineers, or such amendment to or changes in said plans as may be subsequently adopted by such Joint Board, and

BE IT RESOLVED, that in such improvement all permanent works such as dams and navigation works be constructed by the Governments of the United States and Canada, along the general lines of assignment of tasks and division of costs outlined in the correspondence between the two countries, but not the power house, superstructures of installation of power machinery, and

BE IT FURTHER RESOLVED, that the Congress of the United States be and is hereby requested to enact the necessary preliminary legislation declaring all lands and the entire flow of the St.

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Lawrence River, extending from the shore to the International Boundary Line in the river, from Lake Ontario to the forty-fifth parallel, where the river ceases to form the boundary between the two nations, necessary for the purposes of navigation of said waters and the waters connected therewith, and

BE IT FURTHER RESOLVED, that a copy of these resolutions be spread upon the Journal of the Senate, and that a copy thereof properly attested by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the Senators and Representatives in Congress from Montana, and a copy to the President of the United States.

Approved March 6, 1933.

CHANGES OF NAMES REPORTED IN 1931 AND 1932

Date of Judgment	Original Name	Name Decreed	Residence
May 25, 1931	Vada Ellen Shreibeis	Vada Ellen Keller	Billings
July 28, 1931	Lawrence Emmerson Van Vliet	Lawrence Brent	Stevensville

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APPENDIX

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APPENDIX

The following Constitutional Amendments, adopted by vote of the people at the General Election held November 8, 1932, became effective by virtue of the Governor's Proclamation on December 9, 1932:

CHAPTER 101

An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Section 2 of Article IX of the Constitution of the State of Montana Relating to the Qualifications Required of Persons to Entitle Them to Vote at General Elections, for All Officers Elective by the People and Upon Questions That May be Submitted to the Vote of the People or Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2 of Article IX of the Constitution of the State of Montana be amended as hereinafter provided and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section 2 of Article IX of the Constitution of the State of Montana be, and the same is hereby amended to read as follows:

Section 2. Every person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be, elective by the people, and, except as hereinafter provided, upon all questions which may be submitted to the vote of the people or electors: First, he shall be a citizen of the United States; second, he shall have resided in this state one year immediately preceding the election at which he offers to vote, and in the town, county or precinct such time as may be prescribed by law. If the question submitted concerns the creation of any levy, debt or liability the person, in addition to possessing the qualifications above mentioned, must also be a taxpayer whose name appears upon the last preceding completed assessment roll, in order to entitle him to vote upon such question. Provided, first, that no person convicted of felony shall have the right to vote unless he has been

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pardoned or restored to citizenship by the Governor: provided, second, that nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this Constitution; provided, that after the expiration of five years from the time of the adoption of this Constitution, no person except citizens of the United States shall have the right to vote.

Section 3. That separate official ballots shall be provided at the general election to be held in November, 1932, which shall have printed thereon the words, "For the Amendment to the Constitution Relating to the Qualifications Required of Persons to Entitle Them to Vote", and the words, "Against the Amendment to the Constitution Relating to the Qualifications Required of Persons to Entitle Them to Vote", and the elector shall indicate his preference by marking an X before the proposition for which he desires to vote, and the result of the vote on said question shall be determined and declared as provided by law.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect after its passage and approval.

Approved March 9, 1931.

CHAPTER 137

An Act for the Submission to the Qualified Electors of the State of Montana an Amendment to Section 45 of Article 5 of the Constitution of the State of Montana Relating to the Filling of Vacancies Occurring in Either House of the Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 45 of Article 5 of the Constitution of the State of Montana be amended as is hereinafter provided, and that the question of said amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section 45 of Article 5 of the Constitution of the State of Montana be, and the same is hereby amended to read as follows:

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Section 45. When vacancies, caused by death, occur in either House of the Legislative Assembly, such vacancies shall be filled by appointment by the Board of County Commissioners of the county from which such vacancy occurs. All vacancies occurring from any other cause shall be filled by election upon proclamation of the Governor.

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot provided by Section 678 of the Revised Codes of Montana of 1921, and as provided by law, and shall be voted on at the general election to be held in November, 1932, and the principal ballot to be used at said election shall have printed thereon the words—

☐ For an amendment to the Constitution relating to the filling of vacancies in either House of the Legislative Assembly.

☐ Against an amendment to the Constitution relating to the filling of vacancies in either House of the Legislative Assembly.

The elector shall designate his preference for either of the propositions by making an "X" before the proposition desired.

Section 4. The votes cast for and against this amendment above proposed, shall be counted, canvassed and determined by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the Governor of the state shall so declare by public proclamation and the amendment shall be in full force and effect as part of the Constitution from and after the date of such proclamation.

Section 5. This Act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

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